



County of San Bernardino
Office of the District Attorney
MICHAEL A. RAMOS, District Attorney

July 15, 2014

John McMahon, Sheriff
San Bernardino County Sheriff's Department
655 East Third Street
San Bernardino, CA 92415-0061

Dear Sheriff McMahon,

Enclosed please find our office's conclusions on your department's officer involved shooting re: Deputies Ismael Diaz and Joseph Perea DA STAR number 2013-45054, SBSD DR# 141302397, deceased Merlin Michael Factor DOB 06/18/1987. We anticipate making this report available to the media on Thursday, August 14, 2014. When the report is released it will have the names of the civilian witnesses redacted but will identify the involved officers by name. In the absence of legitimate officer safety reasons our office is obligated to release the identity of the involved officers. If you believe such officer safety issues exist please contact me immediately.

We request that you not release our report or any portion thereof to the media or any member of the public until after the release on Thursday August 14, 2014.

If you have any comments or questions please feel free to contact me at 382-7714.

Sincerely,

GARY S. ROTH
Assistant District Attorney
Criminal Operations

GSR/lb

Enclosure

cc: Detective E. Bachman
SBSD Specialized Investigation Division, Homicide Division



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cc: Detective E. Bachman
SBSD Specialized Investigation Division, Homicide Division



TABLE OF CONTENTS

DR # 141302397

H# 2013-056

CASE AGENT: DET. E. BACHMAN

VICTIM: Joseph Perea / Ismael Diaz

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6	Briefing	Det. Bachman
7	Scene #1 - 34784 Yucaipa Boulevard, Yucaipa	Det. Bachman
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DR # 141302397

H# 2013-056

CASE AGENT: DET. E. BACHMAN

VICTIM: Joseph Perea / Ismael Diaz

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36	Search Warrant	Det. Allen
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38	Press Release	Public Affairs
39	Autopsy Protocol / Deputy Coroner's Report	Coroner's Office

SHERIFF'S DEPARTMENT COUNTY OF SAN BERNARDINO, CA UNIFORM CRIME REPORT		<input checked="" type="checkbox"/> F P.C. 89 <input type="checkbox"/> M <input type="checkbox"/> OTHER		Resist/Obstruct Executive Officer with Force		3. CASE NO 141302397 H-2013-056		CRIME CODE		
		4. ASSIGNMENT MO-DAY-YEAR-TIME 6/29/13 1636		5. ARRIVED MO-DAY-YEAR-TIME 6/29/13 1636		6. BEAT 4		7. REPORT DIST. YC106		
OCCURRED DAY OF WEEK MO-DAY-YEAR-TIME Saturday, 6/29/13 1636				9. REPORTED MO-DAY-YEAR-TIME 6/29/13 1628		10. LOCATION OF OCCURRENCE CITY 34784 Yucaipa Blvd. Yucaipa				
CODES FOR BOXES 12 & 22 ARE: V = VICTIM W = WITNESS RP = REPORTING PARTY DC = DISCOVERED CRIME IP = INVOLVED PARTY										
V I C T I M	11. LAST, FIRST MIDDLE (FIRM IF A BUSINESS) Diaz, Ismael				12. <input checked="" type="checkbox"/> V		13. RESIDENCE-ADDRESS-STREET-CITY-ZIP		14. RESIDENCE PHONE	
	15. OCCUPATION		16. RACE/SEX		17. AGE		18. DOB M-D-YR		18. BUSINESS ADDRESS STREET-CITY-ZIP	
	21. NAME: LAST, FIRST, MIDDLE (FIRM IF A BUSINESS) Perea, Joseph				22. <input checked="" type="checkbox"/> V		23. RESIDENCE ADDRESS-STREET-CITY-ZIP		24. RESIDENCE PHONE	
	25. OCCUPATION		26. RACE/SEX		27. AGE		28. DOB M-D-YR		29. BUSINESS ADDRESS-STREET-CITY-ZIP	
W I T N E S S	31. SUSPECT NO.1 LAST, FIRST, MIDDLE Factor, Merlin Michael				32. RACE/SEX WMA		33. AGE 26		34. HT. 5'10	
	35. WT. 150		36. HAIR Bro		37. EYES Bro		38. DOB 6/16/87		39. ARRESTED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
	40. INTERVIEW <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		41. RESIDENCE-ADDRESS-STREET-CITY-ZIP [REDACTED]				42. CLOTHING AND OTHER IDENTIFYING MARKS/CHARACTERISTICS			
	43. SUSPECT NO.2 LAST, FIRST, MIDDLE		44. RACE/SEX		45. AGE		46. HT.		47. WT.	
S U S P E C T S	48. HAIR		49. EYES		50. DOB		51. ARREST <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		52. INTERVIEW <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
	53. RESIDENCE ADDRESS-STREET-CITY-ZIP				54. CLOTHING AND OTHER IDENTIFYING MARKS/CHARACTERISTICS					
	56. CHECK IF MORE NAMES IN CONTINUATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO									
	57. PHYSICAL EVIDENCE RECOVERED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO									
I N V	58. ADDITIONAL INFORMATION <input checked="" type="checkbox"/> VICTIM <input checked="" type="checkbox"/> WITNESS <input type="checkbox"/> OFFICER <input type="checkbox"/> OTHER									
	59. PHOTOGRAPHS TAKEN <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO									
	60. LATENT PRINTS LIFTED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO									
	61. VEHICLE <input type="checkbox"/> V <input checked="" type="checkbox"/> S									
C R I M E S T A T S	62. COLOR Green		63. YEAR 1998		64. MAKE Chevrolet		65. MODEL Malibu		66. BODY TYPE 4D	
	67. LIC [REDACTED]		68. STATE [REDACTED]		69. DAMAGE/ODDITY/ACCESSORIES					
	70. ROBBERY WEAPON: <input type="checkbox"/> FIREARM <input type="checkbox"/> OTHER DANGEROUS WEAPON				LOCATION: <input type="checkbox"/> HIGHWAY <input type="checkbox"/> OTHER BUSINESS <input type="checkbox"/> SERV. STATION					
	<input type="checkbox"/> CUTTING INSTRUMENT <input type="checkbox"/> STRONG ARM				<input type="checkbox"/> CONVENIENCE STORE <input type="checkbox"/> RESIDENCE <input type="checkbox"/> BANK <input type="checkbox"/> MISC					
	71. ASSAULT WEAPON <input type="checkbox"/> FIREARM <input checked="" type="checkbox"/> KNIFE / CUTTING INSTRUMENT				72. OTHER DANGEROUS WEAPON		73. HANDS/FEET <input checked="" type="checkbox"/> SIMPLE/NO INJURY			
	74. BURGLARY <input type="checkbox"/> NIGHT <input type="checkbox"/> DAY				75. FORCEIBLE ENTRY <input type="checkbox"/> ENTRY-NO FORCE		76. RESIDENCE <input type="checkbox"/> VEHICLE			
	<input type="checkbox"/> UNKNOWN				77. ATTEMPT BY FORCE		78. NON-RESIDENCE (BUILDING)			
	79. LARCENY <input type="checkbox"/> PICKPOCKET		80. SHOPLIFT		81. MOTOR VEHICLE PARTS		82. FROM BLDG: NOT SHOPLIFT OR MACHINES			
	<input type="checkbox"/> PURSE-SNATCH		<input type="checkbox"/> FROM MOTOR VEHICLE		<input type="checkbox"/> BICYCLES		<input type="checkbox"/> FROM COIN-OPERATED MACHINES		<input type="checkbox"/> ALL OTHERS	
	83. PROPERTY TYPES & VALUES		CURRENCY, NOTES \$		TV, STEREO, ETC. \$		CONSUMABLE GOODS \$		TOTAL \$	
JEWELRY \$		FIREARMS \$		LIVESTOCK \$		OTHER MISC. \$				
CLOTHING \$		HOUSEHOLD GOODS \$								
OFFICE EQUIPMENT \$										
S Y N O P S I S	74. DOMESTIC VIOLENCE INJURIES: <input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input type="checkbox"/> MAJOR									
	75. WEAPONS: <input type="checkbox"/> YES <input type="checkbox"/> NO									
	76. PEACE OFFICER ASSAULTED/ARSON <input checked="" type="checkbox"/> YES. IF YES, COMPLETE BOXES 1,2,3,4 AND 34 OR 35 ON CR-4 FORM									
	77. SYNOPSIS									
<p>On Saturday, June 29, 2013, Deputy Perea and Deputy Diaz were responding to a vandalism call and were dispatched to a related unknown problem call in the area of Yucaipa Boulevard and 3rd Street. An anonymous female called in to dispatch requesting deputies respond to the area. Perea located the related vehicle turning west onto Yucaipa Boulevard from a parking lot. Diaz conducted a traffic stop on the vehicle in the parking lot of First Baptist Church. Diaz contacted the passenger Melvin Factor and Factor began fighting with Diaz. During the fight, Factor began grabbing at Diaz's Sam Brown. Perea attempted to tase Factor, but the taser was ineffective. During the struggle, Factor re-entered the passenger seat of the vehicle and began reaching toward his waistband. While Factor was reaching for his waistband, Diaz yelled to Perea Factor was reaching for a gun. Perea and Diaz continued to give Factor verbal commands, but received no cooperation. Perea feared Factor was attempting to arm himself with a weapon and fired his handgun at Factor, striking him in the right side. Factor was removed from the vehicle and a folding knife fell from his person. Factor was transported to Redlands Community Hospital where he died from the injuries.</p>										
78. REPORTING OFFICER Det. E. Bachman		79. EMP # [REDACTED]		80. DATE 6/29/13		81. REVIEWED BY [Signature]		82. DATE 07/05/13		
83. REPORTING OFFICER IS 115 QUALIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		84. GANG RELATED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		85. ROUTED TO <input type="checkbox"/> SUBMIT TO D/A <input type="checkbox"/> IMMEDIATE FOLLOW-UP <input type="checkbox"/> OTHER						

COMPLAINT-DISPOSITION REPORT-PROPERTY RELEASE

141302397 H-2013-056

2. CODE SECTION P.C. 69		3. CRIME DEFINITION Resist/Obstruct Officer		4. CLASSIFICATION OIS					
5. VICTIM NAME/OTHER LAST, FIRST, MIDDLE (FIRM NAME OF BUSINESS) Diaz, Ismael		6. ADDRESS STREET, CITY, ZIP		<input type="checkbox"/> RESIDENCE	<input type="checkbox"/> BUSINESS	7. PHONE NUMBER () -			
S U S P E C T S	8. SUSPECT NAME 1 LAST, FIRST, MIDDLE Factor, Merlin Michael		9. RACE/SEX WMA	10. AGE 26	11. HEIGHT 5'10	12. WEIGHT 150	13. HAIR Bro	14. EYES Bro	15. DOB 6/18/87
	16. RESIDENCE ADDRESS STREET, CITY ZIP		16. CLOTHING & OTHER IDENTIFYING MARK/CHARACTERISTICS						
	18. SUSPECT NAME 2 LAST, FIRST, MIDDLE		19. RACE/SEX	20. AGE	21. HEIGHT	22. WEIGHT	23. HAIR	24. EYES	25. DOB
	26. RESIDENCE ADDRESS STREET,		27. CLOTHING & OTHER IDENTIFYING MARK/CHARACTERISTICS					28. ADD'L NAMES	
C R I M E S T A T S	29. ROBBERY NUMBER		<input type="checkbox"/> FIREARM <input type="checkbox"/> CUTTING INSTRUMENT		<input type="checkbox"/> OTHER DANGEROUS WEAPON <input type="checkbox"/> STRONG ARM		LOCATION <input type="checkbox"/> SERVICE STATION <input type="checkbox"/> HIGHWAY <input type="checkbox"/> CONVENIENCE STORE <input type="checkbox"/> OTHER BUSINESS <input type="checkbox"/> RESIDENCE <input type="checkbox"/> BANK <input type="checkbox"/> MISC		
	30. ASSAULTS		WEAPON: <input type="checkbox"/> FIREARM <input type="checkbox"/> KNIFE/CUTTING INSTRUMENT		<input type="checkbox"/> OTHER DANGEROUS WEAPON		<input type="checkbox"/> HANDS/FEET <input type="checkbox"/> SIMPLE/NO INJURY		
	31. BURGLARY		<input type="checkbox"/> NIGHT <input type="checkbox"/> DAY		<input type="checkbox"/> FORCIBLE ENTRY <input type="checkbox"/> ENTRY-NO FORCE		<input type="checkbox"/> RESIDENCE <input type="checkbox"/> NONRESIDENCE (BUILDING)		
	32. LARCENY		<input type="checkbox"/> PICKPOCKET <input type="checkbox"/> PURSE SNATCH		<input type="checkbox"/> SHOPLIFT <input type="checkbox"/> FROM MOTOR VEHICLE		<input type="checkbox"/> MOTOR VEHICLE PARTS <input type="checkbox"/> BICYCLES <input type="checkbox"/> FROM BLDG : NOT SHOPLIFT OR MACHINES <input type="checkbox"/> FROM COIN-OPERATED MACHINES		
A R	33. PROPERTY TYPES AND VALUE		RECOVERED		RECOVERED		RECOVERED		RECOVERED
	CURRENCY NOTES		\$	TV, STERO, ETC	\$	CONSUMABLE GOODS	\$		
	JEWELRY		\$	FIREARMS	\$	LIVESTOCK	\$		
	CLOTHING, FURS		\$	HOUSEHOLD GOODS	\$	OTHER MSC	\$		
		OFFICE EQUIP		\$	NCIC ENTRY COMPLETED	\$	TOTAL PROPERTY RECOVERED	\$	
34. ARSON TYPES AND VALUE		PROPERTY VALUE		PROPERTY VALUE		PROPERTY VALUE		PROPERTY VALUE	
SINGLE RESIDENCE		\$	INDUSTRIAL/MANUF	\$	OTHER STRUCTURES	\$			
OTHER RESIDENCE		\$	OTHER COMMERCIAL	\$	MOTOR VEHICLE	\$			
STORAGE		\$	PUBLIC BUILDINGS	\$	OTHER MOBILE	\$			
		<input type="checkbox"/> INHABITED BUILDING		<input type="checkbox"/> UNINHABITED/ABANDONED BUILDING		TOTAL OTHER LOST		\$	
O F F I C E R A S S E S S M E N T	35. PEACE OFFICER		<input checked="" type="checkbox"/> ASSAULTED		<input type="checkbox"/> KILLED BY FELONIOUS ACT		<input type="checkbox"/> KILLED BY ACCIDENT/NEGLIGENCE		INJURIES: <input type="checkbox"/> YES <input type="checkbox"/> NO
	WEAPONS:		<input type="checkbox"/> FIREARM		<input checked="" type="checkbox"/> KNIFE/CUTTING INSTRUMENT		<input type="checkbox"/> OTHER DANGEROUS WEAPON		<input checked="" type="checkbox"/> HANDS/FEET
	ASSIGNMENT:		<input type="checkbox"/> 2-MAN VEHICLE		<input type="checkbox"/> 1-MAN VEHICLE		<input type="checkbox"/> DET/SPEC		<input type="checkbox"/> OTHER VEHICLE
	TYPE OF ACTIVITY:		<input type="checkbox"/> ALONE		<input type="checkbox"/> ASSISTED		<input type="checkbox"/> ROBBERY		<input type="checkbox"/> OTHER ARRESTS <input type="checkbox"/> CIVIL DISORDERS <input type="checkbox"/> HANDLING PRISONERS
		<input type="checkbox"/> DISTURBANCE		<input type="checkbox"/> BURGLARY		<input type="checkbox"/> AMBUSH		<input type="checkbox"/> MENTALLY DISTURBED	<input type="checkbox"/> TRAFFIC STOP <input type="checkbox"/> ALL OTHERS
		<input type="checkbox"/> SUSPICIOUS PERSONS/CIRCST.							
C O M P L A I N T	36. COMPLAINT INFORMATION		37. DATE		38. DEPUTY DISTRICT ATTORNEY		39. CHARGES FILED		
	<input type="checkbox"/> CASE REVIEWED AND COMPLAINT FILED								
	<input type="checkbox"/> COMPLAINT REJECTED - SEE REJECTION SLIP								
	40. VICTIMS/WITNESSES RECONTACTED						41. DATE		
		<input type="checkbox"/> VICTIM(S) SENT		<input type="checkbox"/> CASE REVIEWED AND FOUND TO BE COMPLETE, LETTER					
		<input type="checkbox"/> WITNESS(ES)		<input type="checkbox"/> NO NEW LEADS, INFORMATION, OR SUBJECTS IDENTIFIED					
		<input type="checkbox"/> NEIGHBORHOOD/AREA CHECKED		<input type="checkbox"/> VICTIM ADVISED THAT PROSECUTION NO LONGER DESIRED					
42. COMMENTS									
P R O P E R T Y	COMMENTS								
	CERTIFICATION: I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM THE LEGAL OWNER AND ENTITLED TO TAKE POSSESSION OF SAID PROPERTY.								
	SIGNATURE								
	DATE								
DRIVER'S LICENSE NUMBER		MISCELLANEOUS							
I S S U E	43. DISPOSITION: <input checked="" type="checkbox"/> NO ADDITIONAL LEADS		<input type="checkbox"/> CASE UNFOUNDED		<input type="checkbox"/> CASE CLEARED BY EXCEPTIONAL MEANS		<input type="checkbox"/> CASE CLEARED BY ARREST		<input type="checkbox"/> PROP. RELEASED
	44. REPORTING OFFICER Det. E. Bachman		45. EMP#		46. DATE 6/29/13		47. REVIEWED BY (Signature)		DATE 07/11/13

SHERIFF'S DEPARTMENT - COUNTY OF SAN BERNARDINO, CALIFORNIA
COMPLAINT-DISPOSITION REPORT - PROPERTY RELEASE

1. CASE NUMBER - STATION

141302793

2. CODE SECTION

3. CRIME DEFINITION

4. CLASSIFICATION

VICTIM NAME/OTHER LAST, FIRST MIDDLE (FIRM NAME IF BUSINESS)

6. ADDRESS: STREET, CITY, ZIP

☐ RESIDENCE ☐ BUSINESS

7. PHONE NUMBER

SUSPECT NAME-1: LAST, FIRST, MIDDLE

9. RACE/SEX

10. AGE

11. HEIGHT

12. WEIGHT

13. HAIR

14. EYES

15. DOB

16. RESIDENCE ADDRESS: STREET, CITY, ZIP

17. CLOTHING & OTHER IDENTIFYING MARKS/CHARACTERISTICS

18. SUSPECT NAME-2: LAST, FIRST, MIDDLE

19. RACE/SEX

20. AGE

21. HEIGHT

22. WEIGHT

23. HAIR

24. EYES

25. DOB

26. RESIDENCE ADDRESS: STREET, CITY, ZIP

27. CLOTHING & OTHER IDENTIFYING MARKS/CHARACTERISTICS

28. ADD'L NAMES

☐ YES

29. ROBBERY WEAPON: ☐ FIREARM ☐ OTHER DANGEROUS WEAPON
☐ CUTTING INSTRUMENT ☐ STRONG ARM

LOCATION: ☐ HIGHWAY ☐ OTHER BUSINESS ☐ SERVICE STATION
☐ CONVENIENCE STORE ☐ RESIDENCE ☐ BANK ☐ MISC

30. ASSAULTS WEAPON: ☐ FIREARM ☐ KNIFE/CUTTING INSTRUMENT ☐ OTHER DANGEROUS WEAPON

☐ HANDS/FEET ☐ SIMPLE/NO INJURY

31. BURGLARY ☐ NIGHT ☐ DAY ☐ UNKNOWN
☐ FORCIBLE ENTRY ☐ ATTEMPT BY FORCE

☐ ENTRY-NO FORCE

☐ RESIDENCE

☐ NONRESIDENCE (BUILDING)

32. LARCENY ☐ PICKPOCKET ☐ SHOPLIFT ☐ FROM MOTOR VEHICLE
☐ PURSE-SNATCH ☐ FROM MOTOR VEHICLE

☐ MOTOR VEHICLE PARTS

☐ FROM BLDG: NOT SHOPLIFT OR MACHINES

☐ BICYCLES

☐ FROM COIN-OPERATED MACHINES

☐ ALL OTHERS

33. PROPERTY RECOVERED
 TYPES CURRENCY, NOTES \$
 AND JEWELRY \$
 VALUE CLOTHING, FURS \$
 OFFICE EQUIPMENT \$

RECOVERED
 TV, STEREO, ETC. \$
 FIREARMS \$
 HOUSEHOLD GOODS \$
☐ NCIC ENTRY COMPLETED
 TOTAL PROPERTY RECOVERED \$

34. ARSON PROPERTY VALUE
 TYPES SINGLE RESIDENCE \$
 AND OTHER RESIDENCE \$
 VALUE STORAGE \$
☐ INHABITED BUILDING

PROPERTY VALUE
 INDUSTRIAL/MANUF. \$
 OTHER COMMERCIAL \$
 PUBLIC BUILDINGS \$
☐ UNINHABITED /ABANDONED BUILDING
 TOTAL OTHER LOST \$

PEACE OFFICER

☐ ASSAULTED

☐ KILLED BY FELONIOUS ACT

☐ KILLED BY ACCIDENT/NEGLIGENCE

INJURIES: ☐ YES ☐ NO

WEAPONS: ☐ FIREARM

☐ KNIFE/CUTTING INSTRUMENT

☐ OTHER DANGEROUS WEAPON

☐ HANDS AND FEET

ASSIGNMENT: ☐ 2-MAN VEHICLE

☐ 1-MAN VEHICLE

☐ DET/SPEC

☐ OTHER VEHICLE

☐ ALONE

☐ ASSISTED

TYPE OF ACTIVITY: ☐ DISTURBANCE

☐ BURGLARY

☐ ROBBERY

☐ OTHER ARRESTS

☐ CIVIL DISORDERS

☐ HANDLING PRISONERS

☐ SUSPICIOUS PERSONS/CIRCST.

☐ AMBUSH

☐ MENTALLY DISTURBED

☐ TRAFFIC STOPS

☐ ALL OTHERS

36. COMPLAINT INFORMATION

☐ CASE REVIEWED AND COMPLAINT FILED
☐ COMPLAINT REJECTED - SEE REJECTION SLIP

37. DATE

38. DEPUTY DISTRICT ATTORNEY

39. CHARGES FILED

40. VICTIMS/WITNESSES RECONTACTED

☐ VICTIM(S)
☐ WITNESS(ES)
☐ NEIGHBORHOOD/AREA CHECKED

☐ CASE REVIEWED AND FOUND TO BE COMPLETE, LETTER SENT
☐ NO NEW LEADS, INFORMATION, OR SUSPECTS IDENTIFIED
☐ VICTIM ADVISED THAT PROSECUTION NO LONGER DESIRED

41. DATE

42. COMMENTS

COMMENTS

Green Purse, make of, WALLET, CHECKBOOK, \$17.00, OTHER MISCELLANEOUS

CERTIFICATION: I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM THE LEGAL OWNER AND ENTITLED TO TAKE POSSESSION OF SAID PROPERTY.

DATE

DRIVER'S LICENSE NUMBER

MISCELLANEOUS

DISPOSITION: ☐ NO ADDITIONAL LEADS ☐ CASE UNFOUNDED ☐ CASE CLEARED BY EXCEPTIONAL MEANS ☐ CASE CLEARED BY ARREST ☒ PROPERTY RELEASED

REPORTING OFFICER

45. EMPLOYEE NO.

46. DATE

47. REVIEWED BY

DATE

DET. E. BACHMAN

6/30/13

SHERIFF'S DEPARTMENT

County of San Bernardino
California

CA 03500

CASE NUMBER

141302397
H# 2013-056

REPORTING AREA

CONFIDENTIAL

CODE SECTION

P.C. 69

CRIME

Resist/Obstruct Officer with Force

CLASSIFICATION

OIS

VICTIM OR INVOLVED PARTY'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS

Diaz, Ismael

ADDRESS

PHONE NUMBER

CONFIDENTIAL INFORMATION CONCERNING INVOLVED PARTIES:

VICTIM

Location of Occurrence

City

34784 Yucaipa Blvd. Yucaipa

Codes Are:

V-Victim

W-Witness

S-Suspect

RP-Reporting Party

DC-Discovered Crime

IP-Involved Party

O-Other

Name: Last, First Middle

Diaz, Ismael

Code:

V

Residence Address:

Confidential

Residence Phone:

Occupation/Description:

Deputy Sheriff

Race/Sex:

Age:

DOB:

Business Address:

34282 Yucaipa Blvd. Yucaipa, Ca.

Business Phone:

(909) 790-3105

REPORTING OFFICER

Det. E. Bachman

EMPLOYEE #

DATE

7/9/13

REVIEWED BY

TYPED BY

ROUTED BY

DATE

FURTHER ACTION:

COPIES TO:

☐ SD/PD☐ Other

REMARKS:

YES ☐ NO☐ Detectives☐ CII

15-15184-401 Revised 1/10 (CR2)

☒ District Attorney☐ Patrol

SHERIFF'S DEPARTMENT

County of San Bernardino
California

CA 03600

CASE NUMBER

141302397
H# 2013-056

REPORTING AREA

CONFIDENTIAL

CODE SECTION

P.C. 69

CRIME

Resist/Obstruct Officer with Force

CLASSIFICATION

OIS

VICTIM OR INVOLVED PARTY'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS

Diaz, Ismael

ADDRESS

PHONE NUMBER

CONFIDENTIAL INFORMATION CONCERNING INVOLVED PARTIES:

Location of Occurrence

City

VICTIM

34784 Yucaipa Blvd. Yucaipa

Codes Are:

V-Victim

W-Witness

S-Suspect

RP-Reporting Party

DC-Discovered Crime

IP-Involved Party

O-Other

Name: Last, First Middle

Perea, Joseph

Code:

V

Residence Address:

Confidential

Residence Phone:

Occupation/Description:

Deputy Sheriff

Race/Sex:

Age:

DOB:

Business Address:

34282 Yucaipa Blvd. Yucaipa, Ca.

Business Phone:

(909) 790-3105

REPORTING OFFICER

Det. E. Bachman

EMPLOYEE #

DATE

7/8/13

REVIEWED BY

TYPED BY

ROUTED BY

DATE

FURTHER ACTION:

COPIES TO:

☐ SD/PD☐ Other

REMARKS:

☐ YES ☐ NO☐ Detectives☐ CII☒ District Attorney☐ Patrol

15-15184-401 Revised 1/10 (CR2)

SHERIFF'S DEPARTMENT County of San Bernardino California CA 03600						CASE NUMBER 141302397	
						REPORTING AREA H-2013-056	
CODE SECTION P.C. 69			CRIME Resist/Obstruct Officer			CLASSIFICATION Felony	
VICTIM OR INVOLVED PARTY'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS Diaz, Ismael							
ADDRESS						PHONE NUMBER	
Additional Names in Continuation:				Location of Occurrence 34784 Yucaipa Blvd. Yucaipa			
City							
Codes Are: V-Victim W-Witness S-Suspect RP-Reporting Party DC-Discovered Crime IP-Involved Party O-Other							
Name: Last, First Middle <div style="background-color: black; width: 100px; height: 15px;"></div>			Code: W	Residence Address: <div style="background-color: black; width: 200px; height: 15px;"></div>		Residence Phone: <div style="background-color: black; width: 100px; height: 15px;"></div>	
Occupation/Description: <div style="background-color: black; width: 100px; height: 15px;"></div>	Race/Sex: <div style="background-color: black; width: 30px; height: 15px;"></div>	Age: <div style="background-color: black; width: 20px; height: 15px;"></div>	DOB: <div style="background-color: black; width: 50px; height: 15px;"></div>	Business Address: <div style="background-color: black; width: 150px; height: 15px;"></div>		Business Phone: <div style="background-color: black; width: 100px; height: 15px;"></div>	
Name: Last, First Middle <div style="background-color: black; width: 100px; height: 15px;"></div>			Code: W	Residence Address: <div style="background-color: black; width: 200px; height: 15px;"></div>		Residence Phone: <div style="background-color: black; width: 100px; height: 15px;"></div>	
Occupation/Description: <div style="background-color: black; width: 100px; height: 15px;"></div>	Race/Sex: <div style="background-color: black; width: 30px; height: 15px;"></div>	Age: <div style="background-color: black; width: 20px; height: 15px;"></div>	DOB: <div style="background-color: black; width: 50px; height: 15px;"></div>	Business Address: <div style="background-color: black; width: 150px; height: 15px;"></div>		Business Phone: <div style="background-color: black; width: 100px; height: 15px;"></div>	
Name: Last, First Middle <div style="background-color: black; width: 100px; height: 15px;"></div>			Code: W	Residence Address: <div style="background-color: black; width: 200px; height: 15px;"></div>		Residence Phone: <div style="background-color: black; width: 100px; height: 15px;"></div>	
Occupation/Description: <div style="background-color: black; width: 100px; height: 15px;"></div>	Race/Sex: <div style="background-color: black; width: 30px; height: 15px;"></div>	Age: <div style="background-color: black; width: 20px; height: 15px;"></div>	DOB: <div style="background-color: black; width: 50px; height: 15px;"></div>	Business Address: <div style="background-color: black; width: 150px; height: 15px;"></div>		Business Phone: <div style="background-color: black; width: 100px; height: 15px;"></div>	
Name: Last, First Middle <div style="background-color: black; width: 100px; height: 15px;"></div>			Code: W	Residence Address: <div style="background-color: black; width: 200px; height: 15px;"></div>		Residence Phone: <div style="background-color: black; width: 100px; height: 15px;"></div>	
Occupation/Description: <div style="background-color: black; width: 100px; height: 15px;"></div>	Race/Sex: <div style="background-color: black; width: 30px; height: 15px;"></div>	Age: <div style="background-color: black; width: 20px; height: 15px;"></div>	DOB: <div style="background-color: black; width: 50px; height: 15px;"></div>	Business Address: <div style="background-color: black; width: 150px; height: 15px;"></div>		Business Phone: <div style="background-color: black; width: 100px; height: 15px;"></div>	
Name: Last, First Middle <div style="background-color: black; width: 100px; height: 15px;"></div>			Code: W	Residence Address: <div style="background-color: black; width: 200px; height: 15px;"></div>		Residence Phone: <div style="background-color: black; width: 100px; height: 15px;"></div>	
Occupation/Description: <div style="background-color: black; width: 100px; height: 15px;"></div>	Race/Sex: <div style="background-color: black; width: 30px; height: 15px;"></div>	Age: <div style="background-color: black; width: 20px; height: 15px;"></div>	DOB: <div style="background-color: black; width: 50px; height: 15px;"></div>	Business Address: <div style="background-color: black; width: 150px; height: 15px;"></div>		Business Phone: <div style="background-color: black; width: 100px; height: 15px;"></div>	
REPORTING OFFICER Det. E. Bachman		EMPLOYEE # <div style="background-color: black; width: 50px; height: 15px;"></div>	DATE 7/2/13	REVIEWED BY <div style="text-align: center;"> </div>	TYPED BY	ROUTED BY	DATE
OTHER ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Detectives <input type="checkbox"/> District Attorney	<input type="checkbox"/> SD/PD <input type="checkbox"/> CII <input type="checkbox"/> Patrol	<input type="checkbox"/> Other	REMARKS:		
15-15184-401 Revised 1/10 (CR2)							

SHERIFF'S DEPARTMENT County of San Bernardino California CA 03600						CASE NUMBER 141302397	
						REPORTING AREA H-2013-056	
CODE SECTION P.C. 69			CRIME Resist/Obstruct Officer			CLASSIFICATION Felony	
VICTIM OR INVOLVED PARTY'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS Diaz, Ismael							
ADDRESS						PHONE NUMBER	
Additional Names in Continuation:				Location of Occurrence 34784 Yucaipa Blvd. Yucaipa			
Codes Are:		V-Victim	W-Witness	S-Suspect	RP-Reporting Party	DC-Discovered Crime	IP-Involved Party
O-Other							
Name: Last, First Middle <div style="background-color: black; width: 100px; height: 15px;"></div>			Code: W	Residence Address: <div style="background-color: black; width: 150px; height: 15px;"></div>		Residence Phone: <div style="background-color: black; width: 80px; height: 15px;"></div>	
Occupation/Description: <div style="background-color: black; width: 60px; height: 15px;"></div>		Race/Sex: <div style="background-color: black; width: 30px; height: 15px;"></div>	Age: <div style="background-color: black; width: 20px; height: 15px;"></div>	DOB: <div style="background-color: black; width: 40px; height: 15px;"></div>	Business Address: <div style="background-color: black; width: 120px; height: 15px;"></div>		Business Phone: <div style="background-color: black; width: 80px; height: 15px;"></div>
Name: Last, First Middle <div style="background-color: black; width: 100px; height: 15px;"></div>			Code: W	Residence Address: <div style="background-color: black; width: 150px; height: 15px;"></div>		Residence Phone: <div style="background-color: black; width: 80px; height: 15px;"></div>	
Occupation/Description: <div style="background-color: black; width: 60px; height: 15px;"></div>		Race/Sex: <div style="background-color: black; width: 30px; height: 15px;"></div>	Age: <div style="background-color: black; width: 20px; height: 15px;"></div>	DOB: <div style="background-color: black; width: 40px; height: 15px;"></div>	Business Address: <div style="background-color: black; width: 120px; height: 15px;"></div>		Business Phone: <div style="background-color: black; width: 80px; height: 15px;"></div>
Name: Last, First Middle <div style="background-color: black; width: 100px; height: 15px;"></div>			Code: W	Residence Address: <div style="background-color: black; width: 150px; height: 15px;"></div>		Residence Phone: <div style="background-color: black; width: 80px; height: 15px;"></div>	
Occupation/Description: <div style="background-color: black; width: 60px; height: 15px;"></div>		Race/Sex: <div style="background-color: black; width: 30px; height: 15px;"></div>	Age: <div style="background-color: black; width: 20px; height: 15px;"></div>	DOB: <div style="background-color: black; width: 40px; height: 15px;"></div>	Business Address: <div style="background-color: black; width: 120px; height: 15px;"></div>		Business Phone: <div style="background-color: black; width: 80px; height: 15px;"></div>
Name: Last, First Middle <div style="background-color: black; width: 100px; height: 15px;"></div>			Code: W	Residence Address: <div style="background-color: black; width: 150px; height: 15px;"></div>		Residence Phone: <div style="background-color: black; width: 80px; height: 15px;"></div>	
Occupation/Description: <div style="background-color: black; width: 60px; height: 15px;"></div>		Race/Sex: <div style="background-color: black; width: 30px; height: 15px;"></div>	Age: <div style="background-color: black; width: 20px; height: 15px;"></div>	DOB: <div style="background-color: black; width: 40px; height: 15px;"></div>	Business Address: <div style="background-color: black; width: 120px; height: 15px;"></div>		Business Phone: <div style="background-color: black; width: 80px; height: 15px;"></div>
REPORTING OFFICER Det. E. Bachman		EMPLOYEE # <div style="background-color: black; width: 40px; height: 15px;"></div>		DATE 7/2/13		REVIEWED <div style="border: 1px solid black; border-radius: 50%; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;"> </div>	
TYPED BY		ROUTED BY		DATE		REMARKS:	
HER ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Detectives <input type="checkbox"/> CII		<input type="checkbox"/> SD/PD <input type="checkbox"/> Other			
15-15184-401 Revised 1/10 (CR2)		<input type="checkbox"/> District Attorney <input type="checkbox"/> Patrol					

SHERIFF'S DEPARTMENT

County of San Bernardino
California

CA 03600

CASE NUMBER

141302397
h2013-056

REPORTING AREA

CONFIDENTIALCODE SECTION
PC 69 /245 (C)CRIME
Resisting Arrest/ ADW on a Peace OfficerCLASSIFICATION
Assault / OISVICTIM OR INVOLVED PARTY'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS
Diaz, Ismael

ADDRESS

PHONE NUMBER
()**CONFIDENTIAL INFORMATION CONCERNING INVOLVED PARTIES:**

Codes Are: V-Victim W-Witness S-Suspect RP-Reporting Party DC-Discovered Crime IP-Involved Party O-Other

Name: Last, First Middle

Code:

Residence Address:

Residence Phone:

W

Occupation/Description:

Race/Sex:

Age:

DOB:

Business Address:

Business Phone:

()

Name: Last, First Middle

Code:

Residence Address:

Residence Phone:

W

Occupation/Description:

Race/Sex:

Age:

DOB:

Business Address:

Business Phone:

()

Name: Last, First Middle

Code:

Residence Address:

Residence Phone:

O

Occupation/Description:

Race/Sex:

Age:

DOB:

Business Address:

Business Phone:

()

Name: Last, First Middle

Code:

Residence Address:

Residence Phone:

W

Occupation/Description:

Race/Sex:

Age:

DOB:

Business Address:

Business Phone:

()

Name: Last, First Middle

Code:

Residence Address:

Residence Phone:

O

Occupation/Description:

Race/Sex:

Age:

DOB:

Business Address:

Business Phone:

()

REPORTING OFFICER
Det. A Avila

EMPLOYEE #

DATE
070113

REVIEWED BY

TYPED BY

ROUTED BY

DATE

ACTION:

COPIES TO:

☐ SD/PD☐ Other

REMARKS:

☐ NO☐ Detectives☐ CII☐ District Attorney☐ Patrol

SHERIFF'S DEPARTMENT

County of San Bernardino
California

CA 03600

CONFIDENTIAL

CASE NUMBER

1413023987
H2013-056

REPORTING AREA

CODE SECTION
PC 69 / 245 (C)CRIME
Resisting Arrest / ADW on a Peace OfficerCLASSIFICATION
Assault / OISVICTIM OR INVOLVED PARTY'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS
Diaz, Ismael

ADDRESS

PHONE NUMBER

CONFIDENTIAL INFORMATION CONCERNING INVOLVED PARTIES:

Witness

Location of Occurrence

City

3rd Avenue / Yucaipa Boulevard, Yucaipa, CA 92399

Codes Are:

V-Victim

W-Witness

S-Suspect

RP-Reporting Party

DC-Discovered Crime

IP-Involved Party

O-Other

Name: Last, First Middle

Code:

W

Residence Address:

Residence Phone:

Occupation/Description:

Race/Sex:

Age:

DOB:

Business Address:

Business Phone:

()

REPORTING OFFICER

Det. A Avila

EMPLOYEE #

DATE

070113

REVIEWED BY

TYPED BY

ROUTED BY

DATE

FURTHER ACTION:

COPIES TO:

☐ SD/PD☐ Other

REMARKS:

☐ NO☐ Detectives☐ CII☐ District Attorney☐ Patrol

15-1b1d4-401 Revised 1/10 (CR2)

SHERIFF'S DEPARTMENT

County of San Bernardino
California

CA 03600

CASE NUMBER

141302397
h2013-056

REPORTING AREA

CONFIDENTIALCODE SECTION
PC 69 /245 (C)CRIME
Resisting Arrest/ ADW on a Peace OfficerCLASSIFICATION
Assault / OISVICTIM OR INVOLVED PARTY'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS
Diaz, Ismael

ADDRESS

PHONE NUMBER
()**CONFIDENTIAL INFORMATION CONCERNING INVOLVED PARTIES:**

Codes Are: V-Victim W-Witness S-Suspect RP-Reporting Party DC-Discovered Crime IP-Involved Party O-Other

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
	W		
Occupation/Description:	Race/Sex:	Age:	DOB:
Business Address:		Business Phone:	

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
	W		
Occupation/Description:	Race/Sex:	Age:	DOB:
	W/F		
Business Address:		Business Phone:	
		()	

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
	W		
Occupation/Description:	Race/Sex:	Age:	DOB:
Business Address:		Business Phone:	
		()	

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
	W		
Occupation/Description:	Race/Sex:	Age:	DOB:
Business Address:		Business Phone:	
		()	

Name: Last, First Middle	Code:	Residence Address:	Residence Phone:
			()
Occupation/Description:	Race/Sex:	Age:	DOB:
Business Address:		Business Phone:	
		()	

REPORTING OFFICER Detective Ryan Ford	EMPLOYEE #	DATE 070113	REVIEWED BY	TYPED BY	ROUTED BY	DATE
--	------------	----------------	-------------	----------	-----------	------

OFFICER ACTION:

COPIES TO:

☐ SD/PD☐ Other

REMARKS:

☐ YES ☐ NO☐ Detectives☐ CII

15-15184-401 Revised 1/83 (CR2)

☐ District Attorney☐ Patrol

SHERIFF'S DEPARTMENT

County of San Bernardino
California

CA 03600

CASE NUMBER

141302397
H 2013-056

REPORTING AREA

CONFIDENTIAL

CODE SECTION

CRIME

Officer Involved Shooting

CLASSIFICATION

VICTIM OR INVOLVED PARTY'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS

ADDRESS

PHONE NUMBER

CONFIDENTIAL INFORMATION CONCERNING INVOLVED PARTIES:

Codes Are: V-Victim W-Witness S-Suspect RP-Reporting Party DC-Discovered Crime IP-Involved Party O-Other

Name: Last, First Middle

Code:

W

Residence Address:

Residence Phone:

Occupation/Description:

Race/Sex:

Age:

DOB:

Business Address:

Business Phone:

()

REPORTING OFFICER
Gerald Davenport

EMPLOYEE #

DATE

062913

REVIEWED BY

TYPED BY

ROUTED BY

DATE

OTHER ACTION:

COPIES TO:

☐ SD/PD☐ Other

REMARKS:

3 ☐ NO☐ Detectives☐ CII

15-15164-401 Revised 1/83 (CR2)

☐ District Attorney☐ Patrol

SHERIFF'S DEPARTMENT County of San Bernardino California CA 03600						CASE NUMBER 141302397	
						REPORTING AREA H-2013-056	
CODE SECTION P.C. 69				CRIME Resist/Obstruct Officer		CLASSIFICATION Felony	
VICTIM OR INVOLVED PARTY'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS Diaz, Ismael							
ADDRESS						PHONE NUMBER	
Additional Names in Continuation:				Location of Occurrence City 34784 Yucaipa Blvd. Yucaipa			
Codes Are:	V-Victim	W-Witness	S-Suspect	RP-Reporting Party	DC-Discovered Crime	IP-Involved Party	O-Other
Name: Last, First Middle			Code:	Residence Address:		Residence Phone:	
[REDACTED]			W	[REDACTED]		[REDACTED]	
Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:		Business Phone:	
	[REDACTED]	[REDACTED]	[REDACTED]				
Name: Last, First Middle			Code:	Residence Address:		Residence Phone:	
[REDACTED]			W	[REDACTED]		[REDACTED]	
Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:		Business Phone:	
	[REDACTED]	[REDACTED]	[REDACTED]				
Name: Last, First Middle			Code:	Residence Address:		Residence Phone:	
[REDACTED]			W	[REDACTED]		[REDACTED]	
Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:		Business Phone:	
	[REDACTED]	[REDACTED]	[REDACTED]				
Name: Last, First Middle			Code:	Residence Address:		Residence Phone:	
[REDACTED]			W	[REDACTED]		[REDACTED]	
Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:		Business Phone:	
	[REDACTED]	[REDACTED]	[REDACTED]				
Name: Last, First Middle			Code:	Residence Address:		Residence Phone:	
[REDACTED]			W	[REDACTED]		[REDACTED]	
Occupation/Description:	Race/Sex:	Age:	DOB:	Business Address:		Business Phone:	
	[REDACTED]	[REDACTED]	[REDACTED]				
REPORTING OFFICER		EMPLOYEE #	DATE	REVIEWED BY	TYPED BY	ROUTED BY	DATE
Det. E. Bachman		[REDACTED]	7/2/13	[Signature]			
HER ACTION:		COPIES TO:	<input type="checkbox"/> SD/PA	<input type="checkbox"/> Other	REMARKS:		
ES <input type="checkbox"/> NO		<input type="checkbox"/> Detectives	<input type="checkbox"/> CII				
15-15184-401 Revised 1/10 (CR2)		<input type="checkbox"/> District Attorney	<input type="checkbox"/> Patrol				

SHERIFF'S DEPARTMENT

County of San Bernardino
California

CA 03600

CASE NUMBER

141302397

H2013-056

REPORTING AREA

CONFIDENTIAL

CODE SECTION

PC 69, 245 (C)

CRIME

Resisting Peace Officer, ADW on a Peace Officer

CLASSIFICATION

Gunshot / OIS

VICTIM OR INVOLVED PARTY'S NAME - LAST NAME, FIRST NAME, MIDDLE NAME OR FIRM NAME IF BUSINESS

Diaz, Ismael

ADDRESS

PHONE NUMBER

()

CONFIDENTIAL INFORMATION CONCERNING INVOLVED PARTIES:

Location of Occurrence

City

34784 Yucaipa Boulevard, Yucaipa, CA 92399

Codes Are:

V-Victim

W-Witness

S-Suspect

RP-Reporting Party

DC-Discovered Crime

IP-Involved Party

O-Other

Name: Last, First Middle

Code:

W

Residence Address:

Residence Phone:

Occupation/Description:

Race/Sex:

Age:

DOB:

Business Address:

Business Phone:

Name: Last, First Middle

Code:

W

Residence Address:

Residence Phone:

Occupation/Description:

Race/Sex:

Age:

DOB:

Business Address:

Business Phone:

Name: Last, First Middle

Code:

Residence Address:

Residence Phone:

Occupation/Description:

Race/Sex:

Age:

DOB:

Business Address:

Business Phone:

Name: Last, First Middle

Code:

Residence Address:

Residence Phone:

Occupation/Description:

Race/Sex:

Age:

DOB:

Business Address:

Business Phone:

Name: Last, First Middle

Code:

Residence Address:

Residence Phone:

Occupation/Description:

Race/Sex:

Age:

DOB:

Business Address:

Business Phone:

REPORTING OFFICER

Det. A. Avila

EMPLOYEE #

DATE

082613

REVIEWED BY

TYPED BY

ROUTED BY

DATE

FURTHER ACTION:

COPIES TO:

☐ SD/PP☐ Other

REMARKS:

YES ☐ NO☐ Detectives☐ CII☐ District Attorney☐ Patrol

.6184-401 Revised 1/10 (CR2)

07/18/13 08:22:29 FROM SAW - FOR UNIT: DFLI *SAW ACTIVE

REQ/FACTOR 061887 M
NAM/FACTOR ,MERLIN ,MICHAEL 061887 M W 510 150 BRO BRO
DOW/050613 WAR/MSB1203532 OFF/*PC853.7 FTA AFTER WRITT MISD BAIL/ 50,000.00
COURT/SBSUP FORFEIT/N NIGHT SERVICE/N
DOW/050613 WAR/MSB1300158 OFF/ PC484(A) SHOPLIFT MISD BAIL/ 50,000.00
COURT/SBSUP FORFEIT/N NIGHT SERVICE/N
DOW/051313 WAR/2643843MF OFF/*HS11550(A) UNDER INFLUENCE MISD BAIL/ 35,000.00
COURT/SBSUP FORFEIT/N NIGHT SERVICE/N
DOW/051013 WAR/3398229MF OFF/*HS11550(A) UNDER INFLUENCE MISD BAIL/ 30,000.00
COURT/SBSUP FORFEIT/N NIGHT SERVICE/N
AKA/FACTOR ,MERLIN
SMT/TT UPPER BACK "MARA MALONE"
SMT/MARA MALONE ON BACK NAKED WITC *MORE*
SSN/ [REDACTED]
SSN/ [REDACTED] *MORE*
OLN/ [REDACTED] OLS/CA
OLN/ [REDACTED] OLS/CA
CII [REDACTED]
FBI [REDACTED]
CALID [REDACTED]
BOOK/1211341284 AGY/14 DATE/111312 CHG/*HS11550(A)
BOOK/1210301066 AGY/14 DATE/102412 CHG/ PC459
BOOK/1210300172 AGY/14 DATE/100412 CHG/ PC148.9(A)
BOOK/1209301033 AGY/14 DATE/092312 CHG/ HS11550
BOOK/1208342758 AGY/31 DATE/082312 CHG/ HS11377(A) *MORE*

To abstract this warrant enter a location code and click Request Abstract SNW1 ABSTRACT

LOCATION

SHERIFF'S DEPARTMENT-COUNTY OF SAN BERNARDINO-CALIFORNIA										SUPPLEMENT <input checked="" type="checkbox"/>			
COMPLAINT-DISPOSITION REPORT-PROPERTY RELEASE										1. CASE NUMBER-STATION			
2. CODE SECTION PC69			3. CRIME DEFINITION OBSTRUCT/RESIST EXEC OFFI				4. CLASSIFICATION FELONY			141302397			
5. VICTIM NAME/OTHER LAST, FIRST, MIDDLE (FIRM NAME OF BUSINESS) TYPE P					6. ADDRESS STREET, CITY, ZIP A: C: S: Z:			7. PHONE NUMBER					
SUSPECTS	8. SUSPECT NAME 1 LAST, FIRST, MIDDLE TYPE P FACTOR, MERLIN, MICHAEL				9. RACE/SEX W M		10. AGE 26	11. HEIGHT 505	12. WEIGHT 110	13. HAIR BRO	14. EYES BRO	15. DOB 06/18/1987	
	16. RESIDENCE ADDRESS STREET, CITY, ZIP A: [REDACTED] C: [REDACTED] S: [REDACTED] Z: [REDACTED]				18. CLOTHING & OTHER IDENTIFYING MARK/CHARACTERISTICS								
	18. SUSPECT NAME 2 LAST, FIRST, MIDDLE TYPE P				19. RACE/SEX /		20. AGE	21. HEIGHT	22. WEIGHT	23. HAIR	24. EYES	25. DOB	
	26. RESIDENCE ADDRESS STREET, A: C: S: Z:				27. CLOTHING & OTHER IDENTIFYING MARK/CHARACTERISTICS				28. ADD'L NAMES				
CRIME	29. ROBBERY NUMBER					LOCATION							
	30. ASSAULTS WEAPON:												
	31. BURGLARY												
	32. LARCENY												
STATS	33. PROPERTY TYPES AND VALUE		CURRENCY NOTES \$		RECOVERED		TV, STERO, ETC \$		RECOVERED		CONSUMABLE GOODS \$		
			JEWELRY \$				FIREARMS \$				LIVESTOCK \$		
			CLOTHING, FURS \$				HOUSEHOLD GOODS \$				OTHER MISC \$		
			OFFICE EQUIP \$				NCIC ENTRY COMPLETED \$ <input type="checkbox"/>				TOTAL PROPERTY RECOVERED \$		
ARREST	34. ARSON TYPES AND VALUE		PROPERTY VALUE		INDUSTRIAL/MANUF \$		PROPERTY VALUE		OTHER STRUCTURES \$		PROPERTY VALUE		
			SINGLE RESIDENCE \$						MOTOR VEHICLE \$				
			OTHER RESIDENCE \$						OTHER MOBILE \$				
			STORAGE \$										
OFFICER ASST	35. PEACE OFFICER												
	WEAPONS:												
	TYPE OF ACTIVITY:												
	INJURIES: blank												
COMPLAINANT	36. COMPLAINT INFORMATION					37. DATE		38. DEPUTY DISTRICT ATTORNEY			39. CHARGES FILED		
	<input type="checkbox"/> CASE REVIEWED AND COMPLAINT FILED <input type="checkbox"/> COMPLAINT REJECTED - SEE REJECTION SLIP												
	40. VICTIM(S)/WITNESSES RECONTACTED <input type="checkbox"/> VICTIM(S) SENT <input type="checkbox"/> WITNESS(ES) <input type="checkbox"/> NEIGHBORHOOD/AREA CHECKED					<input type="checkbox"/> CASE REVIEWED AND FOUND TO BE COMPLETE, LETTER <input type="checkbox"/> NO NEW LEADS, INFORMATION, OR SUBJECTS IDENTIFIED <input type="checkbox"/> VICTIM ADVISED THAT PROSECUTION NO LONGER DESIRED					41. DATE		
	42. COMMENTS SUPPLEMENTAL REPORT ATTACH TO ORIGINAL REPORT.												
PROPERTY	COMMENTS												
	I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM THE LEGAL OWNER AND ENTITLED TO TAKE POSSESSION OF SAID PROPERTY.												
	DRIVER'S LICENSE NUMBER				MISCELLANEOUS								
	43. DISPOSITION: NO ADDITIONAL LEADS												
PO	44. REPORTING OFFICER Dep. B. Henry				45. EMP# [REDACTED]		46. DATE 07/02/2013		47. REVIEWED BY Trevia Newport (sup.)			DATE 07/28/2013	

SHERIFF'S DEPARTMENT COUNTY OF SAN BERNARDINO CALIFORNIA CA 03600				SUPPLEMENT <input checked="" type="checkbox"/>		CASE NO. 141302397 REPORT AREA	
CODE SECTION PC69		CRIME OBSTRUCT/RESIST EXEC OFFI		CLASSIFICATION FELONY			
VICTIM'S NAME - LAST NAME		FIRST NAME		MIDDLE NAME		(FIRM NAME IF BUSINESS) TYPEP	
ADDRESS		RESIDENCE				PHONE	
SUPPLEMENTAL REPORT							
ASSIGNMENT/ARRIVAL:							
<p>On 062913, at approximately 1638 hours, I was dispatched to assist deputies with an uncooperative subject at the incident location. I arrived on scene at approximately 1640 hours and began assisting with the containment and investigation.</p>							
OBSERVATIONS:							
<p>Upon arrival, I observed a large crowd standing at the east property line of the car wash, just to the west of the incident location, watching the scene. I strung crime scene tape at the property boundary and observed a Hispanic male, later identified as [REDACTED] in the crowd advise he saw the whole incident.</p>							
WITNESS 1 CONTACT: [REDACTED]							
<p>[REDACTED] advised he is employed at [REDACTED]. He advised a Deputy came to the location and asked if he served anyone fighting in the area. [REDACTED] advised he had not and the Deputy left. [REDACTED] was then in front of the [REDACTED] near the south-east portion of the property line with a view of the area of the incident.</p>							
<p>While [REDACTED], [REDACTED] observed deputies conduct a traffic stop on a green in color Chevrolet Malibu. Both deputies approached the passenger side and began attempting to remove the passenger from the vehicle. [REDACTED] observed the subject pulling away from the deputies and and refusing to cooperate. [REDACTED] heard the deputies telling the subject to "stop resisting." One deputy pulled the taser but did not use it. [REDACTED] heard shots being fired and observed at least one of the Deputies firing his handgun.</p>							
WITNESS 2 CONTACT: [REDACTED]							
<p>[REDACTED] advised he was inside the church walking through the tunnel to go to the parking lot where the incident occurred. [REDACTED] advised he got two steps into the parking lot when he observed a White female adult with long blond hair, near the east driveway of the parking lot, on her knees. The female was flailing her arms, screaming and crying. Near the sign in the parking lot, was two Sheriff's units and a green sedan. [REDACTED] heard six to eight gun shots. He walked out further into the parking lot to get a better view, past the east row of cars, along the wall. [REDACTED] saw the deputies roll the subject onto his stomach and begin pushing on his back with one hand as though to perform CPR on the subject. One of the deputies asked [REDACTED] to leave the scene at which time he walked to the upper portion of the church parking lot to wait to speak with deputies.</p>							
WITNESS 3 CONTACT: [REDACTED]							
REPORTING OFFICER Dep. B. Henry		DATE 07/02/2013		REVIEWED BY Trevi Newport (sup.)		TYPED BY	
FURTHER ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Other <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> SD/PD <input type="checkbox"/> CII <input type="checkbox"/> Patrol		REMARKS			
6-15184-401 Rev. 1/83							

SHERIFF'S DEPARTMENT COUNTY OF SAN BERNARDINO CALIFORNIA CA 03600				SUPPLEMENT <input checked="" type="checkbox"/>		CASE NO. 141302397 REPORT AREA	
CODE SECTION PC69		CRIME OBSTRUCT/RESIST EXEC OFFI		CLASSIFICATION FELONY			
VICTIM'S NAME - LAST NAME		FIRST NAME		MIDDLE NAME		(FIRM NAME IF BUSINESS) TYPE	
ADDRESS		RESIDENCE				PHONE	
<p> [REDACTED] advised he pulled into the Arco AM/PM on Yucaipa Boulevard to get gas and noticed the suspect vehicle parked in the far west driveway, across the street from the gas station. [REDACTED] pulled into pump #6, where he began pumping gas. [REDACTED] advised he watched the passenger of the vehicle "acting weird, twitching and throwing trash out of the vehicle." [REDACTED] advised the vehicle sat in the driveway for approximately ten minutes and before pulling out and turning west on Yucaipa Boulevard, when a marked San Bernardino County Sheriff's passed driving east bound. The unit turned around and turned on its overhead lights, at which time the vehicle pulled into the incident location. Approximately ten to fifteen seconds later, he heard gunshots coming from the area of the incident. [REDACTED] advised he was to far east of the location and did not see what was happening at the traffic stop. </p>							
<p> WITNESS 4 CONTACT: [REDACTED] </p>							
<p> [REDACTED] advised he was at the bicycle shop across the street from the Arco AM/PM gas station, [REDACTED] advised he observed an unknown White male adult approach the suspect vehicle and begin yelling and cursing at the female driver. [REDACTED] told his wife to roll up the windows, lock the doors and watch the subject due to his irate behavior. [REDACTED] went into the bicycle shop, where he stayed for approximately five to ten minutes. [REDACTED] exited the shop and observed the vehicle was still parked at the west driveway of the location. A marked San Bernardino County Sheriff's unit passed sbound, along Yucaipa Boulevard, at which time the vehicle exited the driveway turning west bound onto Yucaipa Boulevard. [REDACTED] slowly exited the parking lot, west bound onto Yucaipa Boulevard, in the number one lane. [REDACTED] advised his windows were down and he witnessed the female was near the driveway of the incident location. [REDACTED] could hear the clicking of the taser and heard either "get out" or "get down" coming from who he assumed were the deputies. [REDACTED] heard "Fuck you ass holes" and other miscellaneous profanities coming from the suspect, he believed. [REDACTED] saw the suspect lean forward, at which time deputies began shooting. [REDACTED] heard six to eight gunshots. [REDACTED] turned onto Third Street and waited for the scene to calm down before approaching deputies with his observations. </p>							
<p> VIDEO SURVEILLANCE: </p> <p> I checked with surrounding businesses in an effort to locate any possible video surveillance of the incident. At 2010 hours I spoke with [REDACTED], [REDACTED] across from the incident location. He supplied me with a video of the incident caught on his video surveillance [REDACTED]. I took possession of the video until releasing it to Sergeant T. Newport of the homicide division. </p>							
<p> EVIDENCE: </p> <p> A digital recording of [REDACTED] interview was taken via a digital belt recording. The recording was burned onto a compact disc, booked into evidence and placed in an evidence locker at the Yucaipa Sheriff's station. </p>							
REPORTING OFFICER Dep. B. Henry		DATE 07/02/2013		REVIEWED BY Trevis Newport (sup.)		TYPED BY	
ROUTED BY		DATE 07/29/2013					
FURTHER ACTION: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Other <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> SD/PD <input type="checkbox"/> CII <input type="checkbox"/> Patrol			REMARKS		

SHERIFF'S DEPARTMENT COUNTY OF SAN BERNARDINO CALIFORNIA CA 03600				SUPPLEMENT <input checked="" type="checkbox"/>		CASE NO. 141302397 REPORT AREA	
CODE SECTION PC69		CRIME OBSTRUCT/RESIST EXEC OFFI		CLASSIFICATION FELONY			
VICTIM'S NAME - LAST NAME		FIRST NAME		MIDDLE NAME		(FIRM NAME IF BUSINESS) TYPEP	
ADDRESS		RESIDENCE				PHONE	
<p><u>DISPOSITION:</u></p> <p>Supplemental report, attach to original report.</p>							
REPORTING OFFICER Dep. B. Henry		DATE 07/02/2013	REVIEWED BY Trevis Newport (sup.)	TYPED BY	ROUTED BY	DATE 07/29/2013	
FURTHER ACTION: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Other <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> SD/PD <input type="checkbox"/> CII <input type="checkbox"/> Patrol			REMARKS		

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CALIFORNIA
CA 03600

SUPPLEMENT ☒

CASE NUMBER

141302397

REPORTING AREA

EVIDENCE / PROPERTY REPORT

CODE SECTION PC69				RECOVERING DIV / STATION SBCSD-[Homicide]		SUSPECT NAME	
OWNER OF PROPERTY				ADDRESS		CITY	STATE ZIP
CASE AGENT Dep. B. Henry				EMPLOYEE NO.		PROPERTY RECOVERED BY	
						EMPLOYEE NO.	
ITEM NO.	INVOLVEMENT	CATEGORY	ARTICLE	SERIAL NO.	DESCRIPTION	VALUE	BAR CODE LABEL
E1	EVD	Y	OTHER		Brand: Description: CD of digital recording of Witness 1 Contact.	\$	
					Brand: Description:	\$	
					Brand: Description:	\$	
					Brand: Description:	\$	
					Brand: Description:	\$	
					Brand: Description:	\$	
					Brand: Description:	\$	
Total:							
REPORTING DEPUTY		EMPLOYEE NO.		DATE	REVIEWED BY:	PROPERTY OFFICER	EMPLOYEE NO. DATE
Dep. B. Henry				07/02/2013	Trevis Newport (sup.)		

SHERIFF'S DEPARTMENT COUNTY OF SAN BERNARDINO CALIFORNIA CA 03600				SUPPLEMENT <input checked="" type="checkbox"/>		CASE NO. 141302397 REPORT AREA YC106	
CODE SECTION PC69		CRIME OBSTRUCT/RESIST EXEC OFFICER		CLASSIFICATION FELONY			
VICTIM'S NAME - LAST NAME		FIRST NAME		MIDDLE NAME		(FIRM NAME IF BUSINESS) TYPEP	
ADDRESS				RESIDENCE		PHONE	
ASSIGNMENT/ARRIVAL: On Saturday, June 29, 2013, at 1640 hours, I assisted with a officer-involved shooting call at Yucaipa Blvd and 3rd Street. I arrived on scene at 1643 hours and assisted with placing yellow crime scene around the affected area and assisted with shutting down Yucaipa Blvd from 2nd Street to 3rd Street. After securing the scene, I began questioning several bystanders for witnesses.							
WITNESS CONTACT: [REDACTED] I contacted [REDACTED], [REDACTED] at the Asaderos Market business, located on the south-east corner of Yucaipa Blvd and 3rd Street. The following is a summary of his statement. [REDACTED] were visiting the USA gas station on the north-west corner of Yucaipa Blvd and 3rd Street. While driving south on 3rd Street away from the gas station, he noticed a traffic-stop in the church parking-lot, east of the gas station. As he glanced over towards the traffic-stop, he saw a deputy fighting with a subject with a possible shaved head, wearing a white shirt. At that same time, [REDACTED] saw a second patrol unit coming quickly through the intersection towards the church parking-lot. [REDACTED] continued south on 3rd Street, and made a left turn behind the Asaderos Market business, in attempt to turn around and assist the deputy. After exiting his car, [REDACTED] he heard several gun shots going off. He looked back towards the church parking-lot and noticed two deputies with their guns drawn. Immediately following the shots fired, he saw the deputies attempting to render aid to the subject in the white shirt.							
WITNESS CONTACT: [REDACTED] [REDACTED] contacted [REDACTED], at the Asaderos business located on the south-east corner of Yucaipa Blvd and 3rd Street. The following is a summary of her statement. [REDACTED] was traveling with [REDACTED]. They had just left the USA gas station located on the north-west corner of Yucaipa Blvd and 3rd Street and were crossing Yucaipa Blvd at 3rd Street. While crossing Yucaipa Blvd, she looked over at the traffic-stop and noticed a man wearing a white shirt, lunging at the deputy, fighting with him. She said [REDACTED] wanted to help and he pulled in behind the Asaderos market off 3rd Street and drove up towards Yucaipa Blvd. As [REDACTED] said gunfire erupted and she immediately ducked down while remaining inside of their car.							
DISPOSITION: Forward to original report.							
REPORTING OFFICER Eric Lugo		DATE 07/04/2013		REVIEWED BY Trevis Newport (sup.)		TYPED BY	
FURTHER ACTION: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Other <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> SD/PD <input type="checkbox"/> CII <input type="checkbox"/> Patrol		REMARKS			

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600

CASE NO.

141302397

H-2013-056

REPORT AREA

SECTION P.C. 69		CRIME Resist/Obstruct Officer with Force	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME Diaz		FIRST NAME Ismael	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE

CALL OUT/ARRIVAL:


On June 29, 2013, I was assigned as a detective with the San Bernardino County Sheriff Department's Specialized Investigations Division, Homicide Detail. At 1730 hours, I was off-duty when I received an e-mail from Detective Armando Avila requesting I respond to Yucaipa Boulevard and Third Street to assist in the investigation of an officer involved shooting. I arrived on scene at approximately 1844 hours.

BRIEFING:

At approximately 1913 hours, I attended a briefing held on the sidewalk of Yucaipa Boulevard and in front of a Baptist church north of Third Street. For detailed briefing notes see Detective Eddie Bachman's report.

ASSIGNMENT:

At the conclusion of the briefing, Newport assigned me and Detective Gary Hart to interview witnesses at the Yucaipa Sheriff's station and the shooting officers.

REPORTING OFFICER Det. Gerald Davenport	DATE 6/29/13	REVIEWED BY 	TYPED BY	ROUTED BY	DATE
OTHER ACTION: YES <input type="checkbox"/> NO <input type="checkbox"/>	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.		<input type="checkbox"/> Other <input type="checkbox"/> SD/PO <input type="checkbox"/> Other	REMARKS	

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.

DR#141302397

REPORT AREA

H-2013-056

SECTION

PC 69/245 (C)

CRIME

Resisting Arrest/ADW on a Peace Officer

CLASSIFICATION

Assault / OIS

VICTIM'S NAME - LAST NAME

FIRST NAME

MIDDLE NAME

(FIRM NAME IF BUSINESS)

Diaz,

Ismael

ADDRESS

RESIDENCE

PHONE

CALL OUT:

On Saturday, June 29, 2013, I was assigned to the Specialized Investigations Division, Homicide Detail. At approximately 1650 hours, I received a call from dispatch advising me of an officer involved shooting in Yucaipa. Sergeant Federico Gonzales requested I call him to obtain preliminary information.

Gonzales told me that at approximately 1636 hours, Sheriff's Dispatch received a 911 call from an unknown and frantic female who requested a deputy to hurry up to Yucaipa Boulevard and 3rd Street, Yucaipa. Upon arrival, deputies contacted the suspect, Merlin Factor. Factor started fighting with Deputies Ismael Diaz and Joseph Perea. During the struggle, Factor kept reaching for his waistband. Fearing Factor was reaching for a weapon; one deputy discharged his firearm and struck Factor multiple times in the torso. Factor was transported to Redlands Community Hospital, via ambulance, where he was later pronounced dead.

I notified members of my homicide team as well as Sergeant Trevis Newport.

ARRIVAL:

I arrived on scene at approximately 1900 hours. Upon my arrival, the following Sheriff's personnel were already on scene:

- Sergeant Trevis Newport, SBCSD Homicide
- Detective Jerry Davenport, SBCSD Homicide
- Detective Eddie Bachman, SBCSD Homicide
- Crime Scene Specialist Justin Lyndes

REPORTING OFFICER

Det. A. Avila ()

DATE

7/2/13

REVIEWED BY

(Signature)

TYPED BY

JB

ROUTED BY

DATE

FOLLOWER ACTION:

☐ NO

COPIES TO:

☐ Other

☐ SD/PD

☐ Detective

☐ CII

☐ Other

☐ Dist. Atty.

☐ Patrol

REMARKS

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.

141302397

REPORT AREA

H-2013-056

SECTION PC 69		CRIME Resist/Obstruct Officer	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS			PHONE

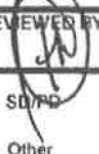
CALL OUT/NOTIFICATION:

On Saturday, June 29, 2013, at approximately 1730 hours, I was contacted via telephone by Detective Armando Avila. Avila requested I respond to assist with an officer involved shooting in Yucaipa.

On Saturday, June 29, 2013, at approximately 1630 hours, deputies from the Yucaipa Sheriff's Station responded to a vandalism call at [REDACTED]. While responding to the vandalism call, an unidentified female contacted Sheriff's Dispatch and requested deputies immediately respond to Yucaipa Boulevard and Third Street. Deputy Joseph Perez and Deputy Ismael Diaz responded to the location and contacted Merlin Factor near the intersection.

During the contact, Factor fought with deputies and reached towards his waistband as though he was attempting to arm himself. Perea believed Factor was reaching for a gun or other unknown weapon and fired his duty handgun at Factor. Perea fired approximately six to seven shots from his handgun, striking Factor in the torso. Factor was taken into custody and medical aid responded to the location. Medical personnel transported Factor to Redlands Community Hospital where Factor was pronounced deceased.

I arrived on scene at approximately 1900 hours. Sergeant Trevis Newport, Detective Jerry Davenport, and Criminalist Trainee Justin Lyndes were on scene at the time of my arrival.

REPORTING OFFICER Detective E. Bachman # [REDACTED]	DATE 07/02/13	REVIEWED BY 	TYPED BY Mary	ROUTED BY	DATE
FURTHER ACTION: 3 NO	COPIES TO:		REMARKS		
	Other	SD/PO			
	Detective	CII			
	Dist. Atty.	Patrol			

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA**

CA 02600

Page 1

CASE NO.

141302997 H 2013-056

REPORT AREA


YC106

SECTION PC 69		CRIME Resist Obstruct Officer by Force		CLASSIFICATION Felony - Knife	
VICTIM'S NAME - LAST NAME		FIRST NAME		MIDDLE NAME	
Deputy Joseph Perea		And		Deputy Ismael Diaz	
ADDRESS		RESIDENCE			PHONE

ASSIGNMENT:

On Saturday, 06/29/2013, I was assigned to be on call as a homicide detective for the San Bernardino County Sheriff's Department. At about 1711 hours, Detective Mando Avila requested I respond to assist with an officer involved shooting investigation in the city of Yucaipa. The suspect, Merlin Factor, was transported to Redlands Community Hospital from the scene but was not expected to survive. Avila requested I respond to the hospital.

At about 1817 hours, I arrived in the Emergency Department of Redlands Community Hospital. I was directed to Emergency Room 12.

REPORTING OFFICER Detective Ryan Ford, [REDACTED]		DATE 063013	REVIEWED BY 	TYPED BY ref	ROUTED BY	DATE	
ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol		<input type="checkbox"/> SD/NO <input type="checkbox"/> Other			REMARKS

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.
141302397
H2013-056

REPORT AREA

SECTION
PC 245 (c)

CRIME
Assault with a deadly weapon

CLASSIFICATION
Felony

VICTIM'S NAME - LAST NAME
Diaz, Ismael

FIRST NAME

MIDDLE NAME

(FIRM NAME IF BUSINESS)

ADDRESS

RESIDENCE

PHONE

ASSIGNMENT / NOTIFICATION

On June 29, 2013, I was assigned to the San Bernardino County Sheriff's Specialized Investigations, Homicide Detail. At 1725 hours, I received a group text message from Detective Avila that advised of an officer involved shooting in Yucaipa and our team was being called out to investigate.

Subsequent messages directed us to Yucaipa Boulevard, near 3rd Street, in Yucaipa.

ARRIVAL

I arrived on scene at 1910 hours, and met up with Detectives Avila, Davenport, Bachman, and Sergeant Newport.

BRIEFING / ASSIGNMENT

Refer to Detective Bachman's report for a summary of the briefing.

At the conclusion of the briefing, Sergeant Newport assigned me to respond to the Yucaipa Sheriff's station for witness and involved deputy interviews.

REPORTING OFFICER

Det. G. Hart

DATE

070213

REVIEWED BY



TYPED BY

GH

ROUTED BY

DATE

FURTHER ACTION:

S ☐ NO

COPIES TO:

☐ Detective

☐ Dist. Atty.

☐ Other

☐ CII

☐ Patrol

☐ SD/CD

☐ Other

REMARKS

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.
141302397
H2013-056

REPORT AREA

SECTION
PC 245 (c)

CRIME
Assault with a deadly weapon

CLASSIFICATION
Felony

VICTIM'S NAME - LAST NAME
Diaz, Ismael

FIRST NAME

MIDDLE NAME

(FIRM NAME IF BUSINESS)

ADDRESS

RESIDENCE

PHONE

ARRIVAL AT YUCAIPA SHERIFF'S STATION

I arrived at the Yucaipa Sheriff's station at about 2000 hours. Upon my arrival I was advised of a witness, later identified as [REDACTED], who was displaying signs of being under the influence of alcohol and becoming disruptive in the station.

I contacted [REDACTED] and asked if he would be willing to give me a statement and he agreed.

REPORTING OFFICER

Det. G. Hart [REDACTED]

DATE

070913

REVIEWED BY

TYPED BY

GH

ROUTED BY

DATE

FURTHER ACTION:

3 ☐ NO

COPIES TO:

☐ Detective

☐ Dist. Atty.

☐ Other

☐ CII

☐ Patrol

☐ SD/PD

☐ Other

REMARKS

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.

141302397

REPORT AREA

H-2013-056

SECTION PC 69		CRIME Resist/Obstruct Officer	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE

BRIEFING:


On Saturday, June 29, 2013, at approximately 1913 hours, I participated in a briefing given by Deputy Ben Henry regarding the officer involved shooting investigation. The briefing was given outside of the scene in front of 34784 Yucaipa Boulevard, Yucaipa. The following personnel were present during the briefing;

- Sergeant Trevis Newport – Homicide Detail
- Detective Edward Bachman – Homicide Detail
- Detective Armando Avila – Homicide Detail
- Detective Gary Hart – Homicide Detail
- Detective Jerry Davenport – Homicide Detail
- Crime Scene Specialist Justin Lyndes – Scientific Investigations Division
- Detective Kevin Allen – Yucaipa Sheriff's Station
- Deputy Ben Henry – Yucaipa Sheriff's Station
- Gordon Clemmer – Civil Liabilities Division

On Saturday, June 29, 2013, at approximately 1502 hours, Sheriff's Dispatch received a report of vandalism at [REDACTED]. The reporting party, [REDACTED], advised dispatch Merlin Factor threw a rock through the window of his residence. The window broke and Factor fled the location on foot, towards Second Street.

Deputy Ismael Diaz responded to the vandalism report and attempted to locate Factor. While driving to the location, Sheriff's Dispatch received a report of a disturbance on Yucaipa Boulevard near Third Street, involving a male and female in a domestic disturbance. At approximately 1628 hours, Sheriff's Dispatch was contacted by an anonymous female requesting deputy's hurry and get to Yucaipa Boulevard and Third Street. The reporting party disconnected the call and when Sheriff's Dispatch attempted to re-contact the reporting party, they received voicemail.

Sheriff's Dispatch was re-contacted by [REDACTED] and was told [REDACTED], left the location to pick up Factor. Sheriff's Dispatch believed the disturbance and the unknown

REPORTING OFFICER Detective E. Bachman # [REDACTED]	DATE 07/02/13	REVIEWED BY 	TYPED BY Mary	ROUTED BY	DATE
FURTHER ACTION: 3 NO	COPIES TO:		REMARKS		
	Detective	Other	SDPD		
	Dist. Atty.	Patrol	Other		

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.

141302397

REPORT AREA

H-2013-056

SECTION PC 69		CRIME Resist/Obstruct Officer	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS			PHONE

BRIEFING (continued)


problem calls were related to the earlier vandalism report [REDACTED] Diaz and Perea were dispatched to the call and began conducting an area check in the area of Yucaipa Blvd and Third Street for the vehicle. Perea and Diaz were initially unable to locate the involved green Chevrolet Malibu, during the area check.

At approximately 1638 hours, Diaz and Perea advised there were shots fired and the suspect was reaching for a weapon. Additional deputies and medical aid responded to the scene in the parking lot of First Baptist Church, located at 34784 Yucaipa Boulevard. Medical aid located a faint pulse on Factor and transported him to Redlands Community Hospital, where he was later pronounced deceased.

Henry claimed the Yucaipa Sheriff's Station patrol vehicles were parked in the same location there were at the time of incident and identified the vehicle CA# [REDACTED] as being Perea's vehicle and the Yucaipa Sheriff's patrol vehicle CA# [REDACTED] as being Diaz's vehicle. Yucaipa Sheriff's deputies immediately placed crime scene tape around the exterior of the parking lot, to secure the crime scene.

On Saturday, June 29, 2013, Henry interviewed [REDACTED]. [REDACTED] was at the car wash located on the northeast corner of Yucaipa Boulevard and Third Street. [REDACTED] saw the suspect vehicle pull into the church parking lot and the deputies pulled in behind the suspect vehicle. [REDACTED] saw the deputies approach the passenger's side of the vehicle. [REDACTED] saw the deputies begin to fight with the passenger of the vehicle for approximately one minute. During the fight, [REDACTED] saw the deputies pull their tasers while Factor continued resisting them. Factor was moving his arms around and shortly thereafter [REDACTED] heard several shots fired.

On Saturday, June 29, 2013, Detective Kevin Allen interviewed [REDACTED] near the scene of the incident. [REDACTED] told Allen he saw the green Chevrolet Malibu parked in the driveway of the Copper Kettle Café parking lot. [REDACTED] saw Factor yelling at [REDACTED] and Factor began throwing several items out of the vehicle. As the vehicle was stopped in the driveway, a patrol deputy passed the suspect vehicle. The green Chevrolet Malibu turned westbound on Yucaipa

REPORTING OFFICER Detective E. Bachman # [REDACTED]	DATE 07/02/13	REVIEWED BY 	TYPED BY Mary	ROUTED BY	DATE
FURTHER ACTION: 3 NO	COPIES TO: Other SD/PT Detective CII Other Dist. Atty. Patrol		REMARKS		

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600

CASE NO.

141302397

REPORT AREA

H-2013-056

SECTION PC 69		CRIME Resist/Obstruct Officer	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS RESIDENCE			PHONE

BRIEFING (continued)

Boulevard and the Sheriff's deputy made a U-turn behind the vehicle. The Sheriff's deputy initiated a traffic stop on the vehicle in the parking lot of the First Baptist Church out of [REDACTED] view.

[REDACTED] drove westbound on Yucaipa Boulevard and saw the deputies involved in a fight with the subject, as he passed the First Baptist Church parking lot. [REDACTED] saw [REDACTED] on her knees, near the street, yelling toward the subject. The deputies were struggling with the subject while giving verbal commands [REDACTED] heard the subject yell, "fuck you!" [REDACTED] saw Factor remained uncooperative and heard a taser go off. Shortly thereafter he heard gun shots fired.

After the incident transpired, Sheriff's Aviation picked up Sheriff's Service Specialist Tayna Cahill to allow Cahill to take aerial photographs of the scene. Sergeant Gonzalez gave Henry the crime scene log and Henry turned the log over to me during the briefing. Henry provided me with contact information for the following witnesses of the incident:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Henry believed Yucaipa deputies transported [REDACTED] and additional witnesses to the Yucaipa Sheriff's Station for interviews.

REPORTING OFFICER Detective E. Bachman # [REDACTED]	DATE 07/02/13	REVIEWED BY [Signature]	TYPED BY Mary	ROUTED BY	DATE
FURTHER ACTION: S NO	COPIES TO: Detective CII Dist. Atty. Patrol		REMARKS		

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.

141302397

REPORT AREA

H-2013-056


SECTION PC 69		CRIME Resist/Obstruct Officer	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS			PHONE

OBSERVATIONS:

The primary scene was contained in the parking lot on the west side of First Baptist Church located at 34784 Yucaipa Boulevard, Yucaipa. Yucaipa deputies extended crime scene tape across the south perimeter of First Baptist Church (west) in front of 34724 Yucaipa Boulevard. Crime scene tape extended northbound from the west edge of 34724 Yucaipa Boulevard to the north side of the First Baptist Church parking lot. Crime scene tape was established on the west side of the First Baptist Church, preventing any onlookers from entering the parking lot.

Yucaipa Sheriff's Station unit # [REDACTED] (CA# [REDACTED]) was parked in the parking lot just north of the north roadway edge of Yucaipa Boulevard. North of unit CA# [REDACTED] was a green Chevrolet Malibu [REDACTED]. The Chevrolet Malibu was parked in the furthest south parking spot, on the west side of the east entrance, of the parking lot. Both doors to the vehicle were open upon my arrival. A second Yucaipa Sheriff's patrol vehicle, [REDACTED] (CA# [REDACTED]) was parked on the north side of the Chevrolet Malibu, facing north/west.

In between the Chevrolet Malibu and unit CA# [REDACTED] there appeared to a pool of blood and a large amount of medical debris. In front of CA# [REDACTED] there was a white piece of clothing, clothing consistent with denim material and a pair of black shoes.

REPORTING OFFICER Detective E. Bachman # [REDACTED]	DATE 07/02/13	REVIEWED BY 	TYPED BY Mary	ROUTED BY	DATE	
FURTHER ACTION: NO	COPIES TO: Detective Dist. Atty.		Other CII Patrol SD/PS Other			REMARKS

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CASE NO.

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REPORT AREA

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SECTION PC 69		CRIME Resist/Obstruct Officer	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME Diaz		FIRST NAME Ismael	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE

WEATHER:

On Saturday, June 29, 2013, at approximately 1900 hours, the skies were clear and the sun was shining. The temperature outside was approximately 100°.

REPORTING OFFICER Detective E. Bachman # [REDACTED]	DATE 07/02/13	REVIEWED BY 	TYPED BY Mary	ROUTED BY	DATE
FURTHER ACTION: 3 NO	COPIES TO: Detective Dist. Atty.		Other CII Patrol	REMARKS	

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.

DR#141302397

REPORT AREA

H-2013-056

CALL SECTION

PC 69/246 (C)

CRIME

Resisting Arrest/ADW on a Peace Officer

CLASSIFICATION

Assault / OIS

VICTIM'S NAME - LAST NAME

FIRST NAME

MIDDLE NAME

(FIRM NAME IF BUSINESS)

Diaz,

Ismael

ADDRESS

RESIDENCE

PHONE

OBSERVATIONS:

There were multiple marked and unmarked Sheriff's vehicles in the parking lot of the First Baptist Church (and on Yucaipa Boulevard) in front of the parking lot. There were also multiple Sheriff's personnel in uniform and in plain clothes. Yellow caution tape was strung around the perimeter of the church parking lot. The westbound lanes of Yucaipa Boulevard were blocked at 2nd Street. There were two Yucaipa Station patrol units and a green vehicle within the yellow tape just northwest of the east driveway entrance to the church parking lot.

BRIEFING:

At approximately 1913 hours, I attended the briefing conducted by Detective Benjamin Henry of the Yucaipa Station. For briefing details refer to Detective Bachman's report.

REPORTING OFFICER

Det. A. Avila

DATE

7/2/13

REVIEWED BY

TYPED BY

JB

ROUTED BY

DATE

FOLLOW UP ACTION:

☐ YES ☐ NO

COPIES TO:

☐ Other

☐ SD/PD

☐ Detective

☐ CII

☐ Other

☐ Dist. Atty.

☐ Patrol

REMARKS

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CRIME SECTION PC 69		CRIME RESIST / OBSTRUCT OFFICER FORCE	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME DIAZ	FIRST NAME ISMAEL	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS RESIDENCE			PHONE

SCENE:

34784 Yucaipa Boulevard, Yucaipa

The scene located at 34784 Yucaipa Boulevard, Yucaipa was located at the First Baptist Church on the north side of Yucaipa Boulevard east of 3rd Street. The primary scene was contained in the parking lot on the west side of First Baptist Church. The scene, as I arrived, was surrounded by yellow crime scene tape extending across the south perimeter of the parking lot. The tape also extended north, across the west wall of the church, to the north/west edge of the building. The tape extended from the north/west building edge, across the north perimeter of the church and south along the east wall of the business Aire Rite Heating and Air Conditioning located at 34724 Yucaipa Boulevard. The crime scene tape was placed around the crime scene by deputies from the Yucaipa Station to prevent anyone from entering the scene.

The parking lot had two entrances / exits accessible from Yucaipa Boulevard (further described as the east / west entrance) and an alternate entrance / exit through an alley way off of 3rd Street, at the north perimeter of the parking lot. The parking lot had painted parking stalls on both sides and in between the east and west entrance.



REPORTING OFFICER DET. E. BACHMAN	DATE 7/10/13	REVIEWED BY <i>(Signature)</i>	TYPED BY Rochelle	ROUTED BY	DATE
FURTHER ACTION: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS	

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VICTIM'S NAME - LAST NAME DIAZ	FIRST NAME ISMAEL	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE

SCENE (cont.):

On the east entrance of the parking lot a green purse, deodorant, cell phone and napkin (placard #23) lay on the ground; just south of the crime scene tape, on the south perimeter of the parking lot. The items were found to belong to [REDACTED] and were left at the location after [REDACTED] was detained by Joseph Perea. Northwest of placard #23, I located a marked San Bernardino County Sheriff's Department Ford Crown Victoria, California # [REDACTED] (placard #1) parked south of the painted parking stalls facing northwest. The patrol car (CA # [REDACTED]) was a patrol unit with San Bernardino County Sheriff's Department decals affixed to the vehicle, an overhead light bar and a City of Yucaipa emblem on the c-pillar. The vehicle was parked below the First Baptist Church sign and was not running at the time of my arrival. The patrol vehicle had the keys in the ignition, the windows were up and the doors were closed.



North of placard #1, I located a 1998 green Chevrolet Malibu ([REDACTED]) (placard #2) parked in the first parking stall, on the west side of the east entrance. The vehicle was partially extended into the adjacent parking stall, to the northwest. The driver side and passenger side doors of the Malibu were open and the engine was off. The driver side front window was partially down and the passenger side front window was completely rolled down. Inside the

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FURTHER ACTION: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS	

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ADDRESS			PHONE

SCENE (cont.):

Malibu on the driver's seat, I observed a silver folding knife (with the blade open) in plain view. On the passenger side of the Malibu, I saw noticeable blood stains on the front passenger seat, what appeared to be two bullet holes in the center console, between the dashboard and the floorboard and a taser dart (with wire attached) sticking out of the floorboard of the vehicle.

At the east portion of placard #2 under the passenger side rear tire, I located an unfired Winchester .45 caliber bullet (placard #4). Northeast of placard #4 I located an expended taser cartridge (placard #5) on the ground. The taser cartridge had portions of the wire attached and appeared to be consistent with San Bernardino County Sheriff's Department issued taser equipment.



West of placard #5, I located an empty Glock .45 caliber magazine, an additional expended taser cartridge and a bloody piece of white shirt (placard #6) in a small group. The expended taser cartridge had taser wires attached and was consistent with San Bernardino County Sheriff's Department issued taser equipment. The empty Glock .45 caliber magazine was a

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FURTHER ACTION: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO:		REMARKS		
	<input type="checkbox"/> Other <input type="checkbox"/> SD/PD <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol				

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ADDRESS		RESIDENCE	PHONE

SCENE (cont.):

thirteen round magazine and was consistent with the equipment issued by San Bernardino County Sheriff's Department for a Glock 21 semi-automatic handgun. West of placard #6, I located a fired bullet on the ground. The fired bullet was consistent in size with a .45 caliber round and appeared to have dried blood and tissue on it, which led me to believe the bullet struck Factor during the shooting.

West of placard #7, I located a folding knife and a bullet fragment on the ground. The folding knife was in the closed position with a clip affixed to the side; used for securing the knife in place.



North of placard #6, there was a pool of blood on the ground (placard #9). In the center of the pool of blood, laid a fired bullet and to the outside portion of the pool of blood, was a shirt button. The fired bullet was consistent in size with a .45 caliber bullet and appeared to have dried blood and tissue on it; consistent with having struck Factor during the shooting. The tan

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FURTHER ACTION: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Other <input type="checkbox"/> SD/PA <input type="checkbox"/> Patrol		REMARKS		

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ADDRESS	RESIDENCE	PHONE

SCENE (cont.):

shirt button was consistent with the style of buttons sewn onto the tan San Bernardino County Sheriff's Department Class A style uniform shirt.

West of placard #8, I located a brass name plate stamped with "I.DIAZ," face down on the ground. The name plate had a significant amount of scratches on the face, consistent with having been stepped on or drug on the ground during the fight.

North of placard #9, was a marked San Bernardino County Sheriff's Department patrol vehicle (CA [REDACTED]) (placard #3). The patrol vehicle was marked with San Bernardino County Sheriff's Department decals, an overhead attached light bar and a City of Yucaipa emblem on the c-pillar. The patrol vehicle (CA [REDACTED]) was facing northwest and was straddling the marked parking stall line; separating the second and third parking stall on the west side of the east entrance. The windows to the patrol vehicle were rolled up and the vehicle was off at the time of scene processing. The keys were in the ignition of the vehicle and upon turning the ignition keys to the on position, the overhead lights of the patrol vehicle were in the on position.

On the ground near the front bumper, or west of placard #3, laid a blood soaked white extra large "Pro Club" shirt, blue "Lot 29 Authentic Denim Wear jeans, blue and orange "NSI" basketballs shorts and a pair of size 11 black "Lakai" shoes (placard #11). A tube of Carmex chapstick, an Apple iPhone 4 and \$.35 (.25 - one, .05 - two) were found in the pocket of the jeans.



REPORTING OFFICER DET. E. BACHMAN	DATE 7/10/13	REVIEWED BY (Signature)	TYPED BY Rochelle	ROUTED BY	DATE
FURTHER ACTION: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol	<input type="checkbox"/> SD/PI <input type="checkbox"/> Other	REMARKS	

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ADDRESS			PHONE

SCENE (cont.):

On the ground, south of placard #11, lay a .45 caliber fired cartridge casing (FCC) (placard #12). On the ground in a row west of placard #13, lay three .45 caliber FCCs (placard #14, #15, #16). On the ground west of placard #11, lay a .45 caliber FCC (placard #18). On the ground, west of placard #18, lay two .45 caliber FCCs (placard #19). On the ground, west of placard #19, lay a .45 caliber FCC (placard #20). On the ground, west of placard #2, lay two .45 caliber FCCs (placard #21). On the ground, southwest of placard #21 lay a .45 caliber FCC (placard #22).



On the ground, west of placard #16, lay a brass nameplate backing. The nameplate backing was consistent with the type of backing used to secure the brass nameplate (placard #10) to a uniform. The item was collected with placard #10 during processing. Throughout the center of the scene, there was a large amount of medical debris. The medical debris included packages

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FURTHER ACTION: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		COPIES TO:		REMARKS	
		<input type="checkbox"/> Other <input type="checkbox"/> SD/PO <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol			

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ADDRESS	RESIDENCE	PHONE

SCENE (cont.):

for bandages, Quick Clot, IV tubes, syringes, medical scissors and a face mask. The medical debris extended from the center of the scene, toward the east entrance of the parking lot. Several folded "We-Tip" cards were found on the ground (around the scene) and appeared to have been placed at the scene by responding Yucaipa Station deputies to mark FCCs throughout the scene. None of the cards remained over top of FCCs at the time of scene processing.

At the time of the shooting, a wedding reception was taking place at First Baptist Church. Several additional vehicles were parked in the parking lot to the east and north side of the scene. Photographs were taken to document each vehicle in its original place and all but two vehicles were permitted to leave the scene; due to the fact their positioning did not affect any evidence found within the scene. All vehicles were checked for evidence and possible bullet strikes prior to being released. Owners of the vehicles allowed to leave the scene were escorted to their vehicle and allowed to exit the parking lots through the north exit of the parking lot leading to 3rd Street. A green Toyota Tacoma () was parked north of patrol vehicle (CA #) and was kept on scene. A blue Ford Escape () was parked northwest of patrol vehicle (CA #) and was also kept on scene.

SCENE MEASUREMENTS:

All scene measurements were taken with a Leica C10. For further information regarding measurements see Leica True View software.

PLACARDS:

- Placard #1 – Ford Crown Victoria CA #
- Placard #2 – 1998 Chevrolet Malibu
- Placard #3 – Ford Crown Victoria CA #
- Placard #4 – Winchester .45 auto non-fired bullet
- Placard #5 – Expended taser cartridge

REPORTING OFFICER DET. E. BACHMAN	DATE 7/10/13	REVIEWED BY JN	TYPED BY Rochelle	ROUTED BY	DATE
FURTHER ACTION: YES <input type="checkbox"/> NO <input type="checkbox"/>	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol	REMARKS		

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ADDRESS			PHONE

SCENE (cont.):

PLACARDS (cont.):

- Placard #6 – Glock .45 thirteen round magazine, expended taser cartridge, piece of bloody white shirt
- Placard #7 – Fired bullet
- Placard #8 – Bullet fragment, gray folding knife
- Placard #9 – Fired bullet, blood stain
- Placard #10 – Brass name plate (I. Diaz)
- Placard #11 – Suspect clothing (jeans, shorts, shirt, shoes)
- Placard #12 – Win .45 auto FCC
- Placard #13 – Win .45 auto FCC
- Placard #14 – Win .45 auto FCC
- Placard #15 – Win .45 auto FCC
- Placard #16 – Win .45 auto FCC
- Placard #17 – Win .45 auto FCC
- Placard #18 – Win .45 auto FCC
- Placard #19 – 2 – Win .45 auto FCCs
- Placard #20 – Win .45 auto FCC
- Placard #21- 2 – Win .45 auto FCCs
- Placard #22 – Win .45 auto FCC
- Placard #23 – Green purse, phone, deodorant, napkin

INVESTIGATIVE MEASUREMENTS:

All investigative measurements are approximate and were taken with a roll-a-tape.

- 70' to the scene between the vehicles from the top of the stairway
- 60' to the scene from the center of the westbound #2 lane of Yucaipa Blvd.
- 192' to the scene from the Bank of America drive thru ATM machines

REPORTING OFFICER DET. E. BACHMAN	DATE 7/10/13	REVIEWED BY 	TYPED BY Rochelle	ROUTED BY	DATE
FURTHER ACTION: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Other <input type="checkbox"/> SD/PD <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty <input type="checkbox"/> Patrol		REMARKS	

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ADDRESS	RESIDENCE	PHONE

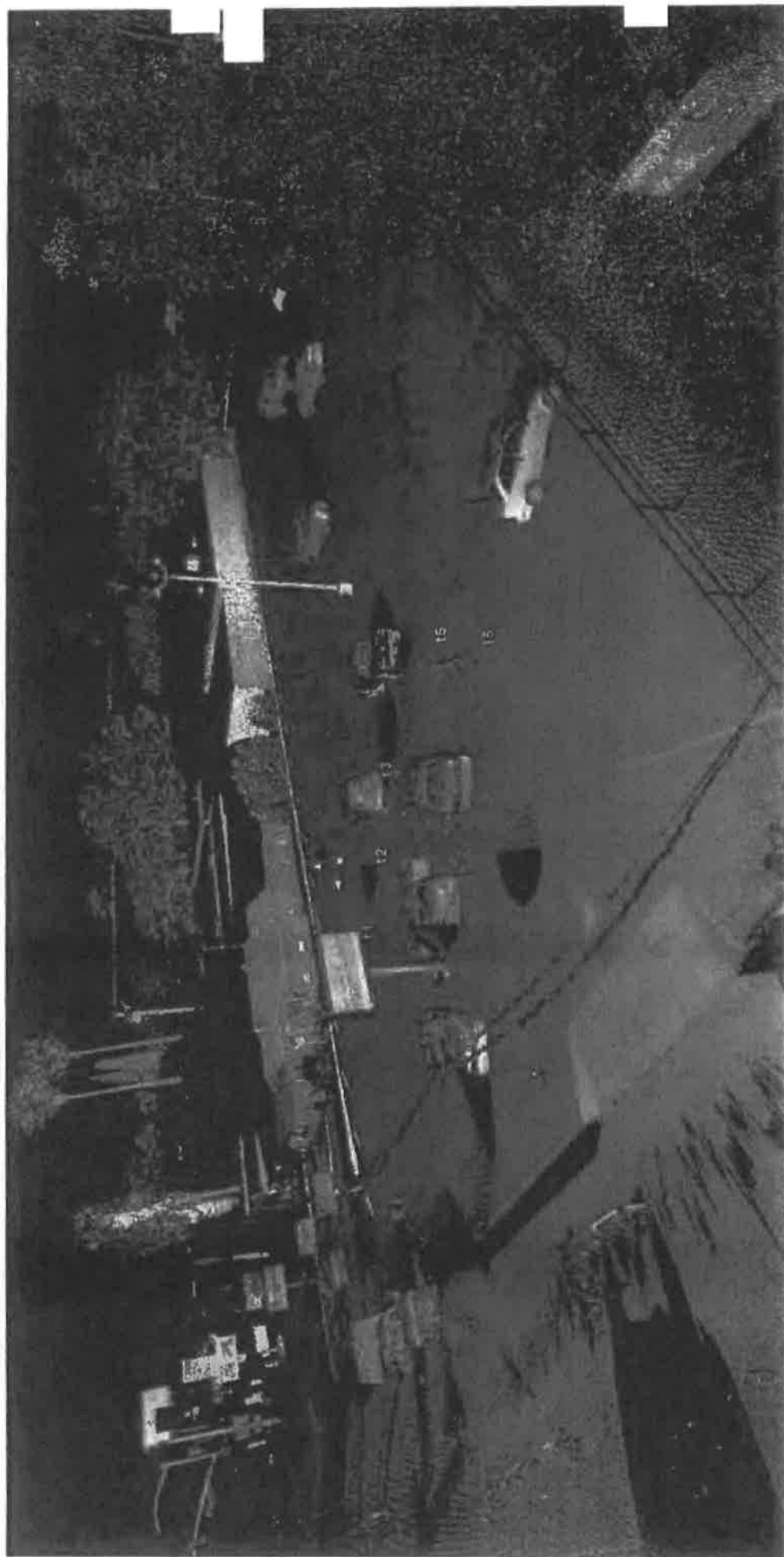
SCENE (cont.):

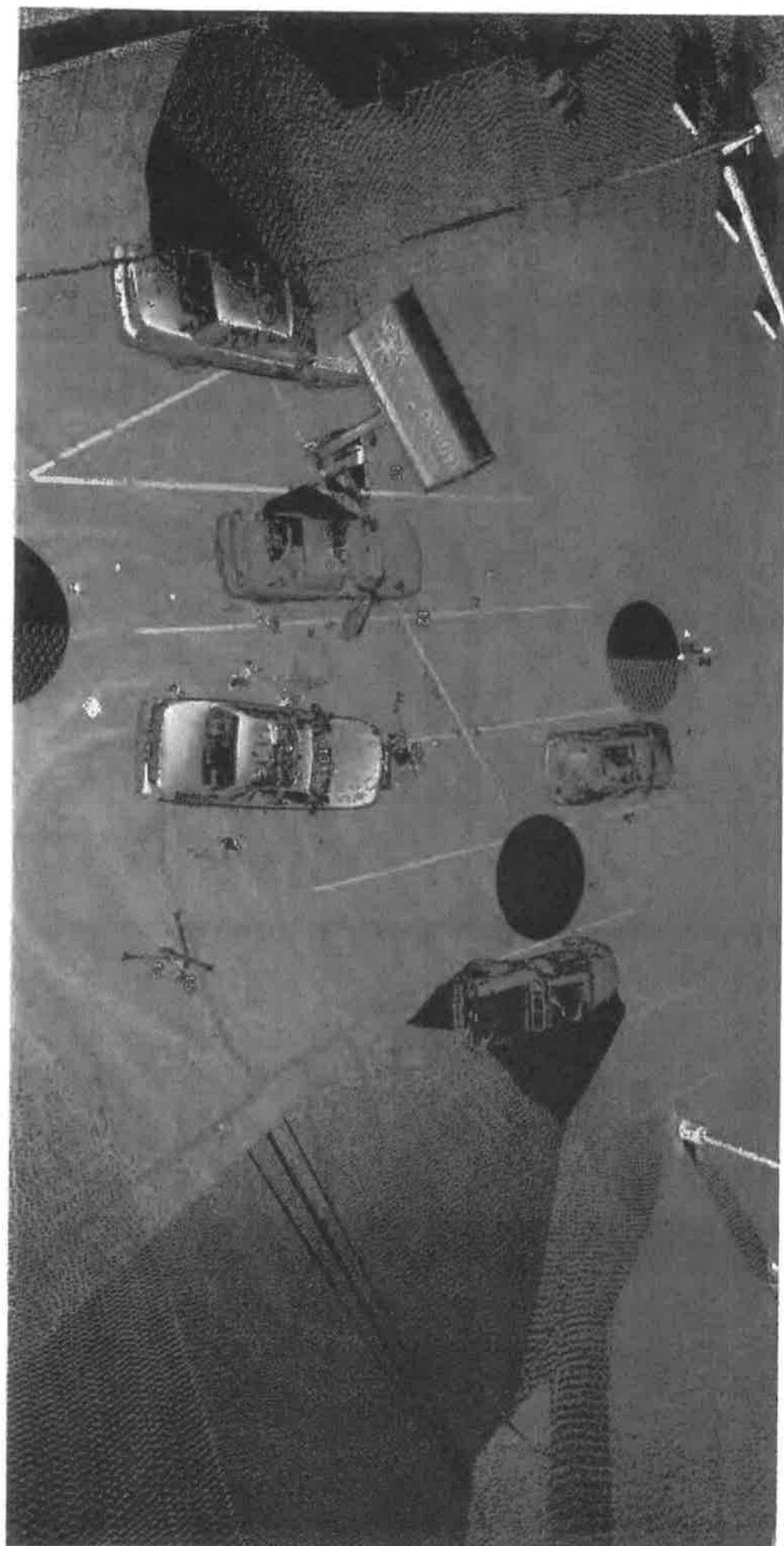
INVESTIGATIVE MEASUREMENTS:

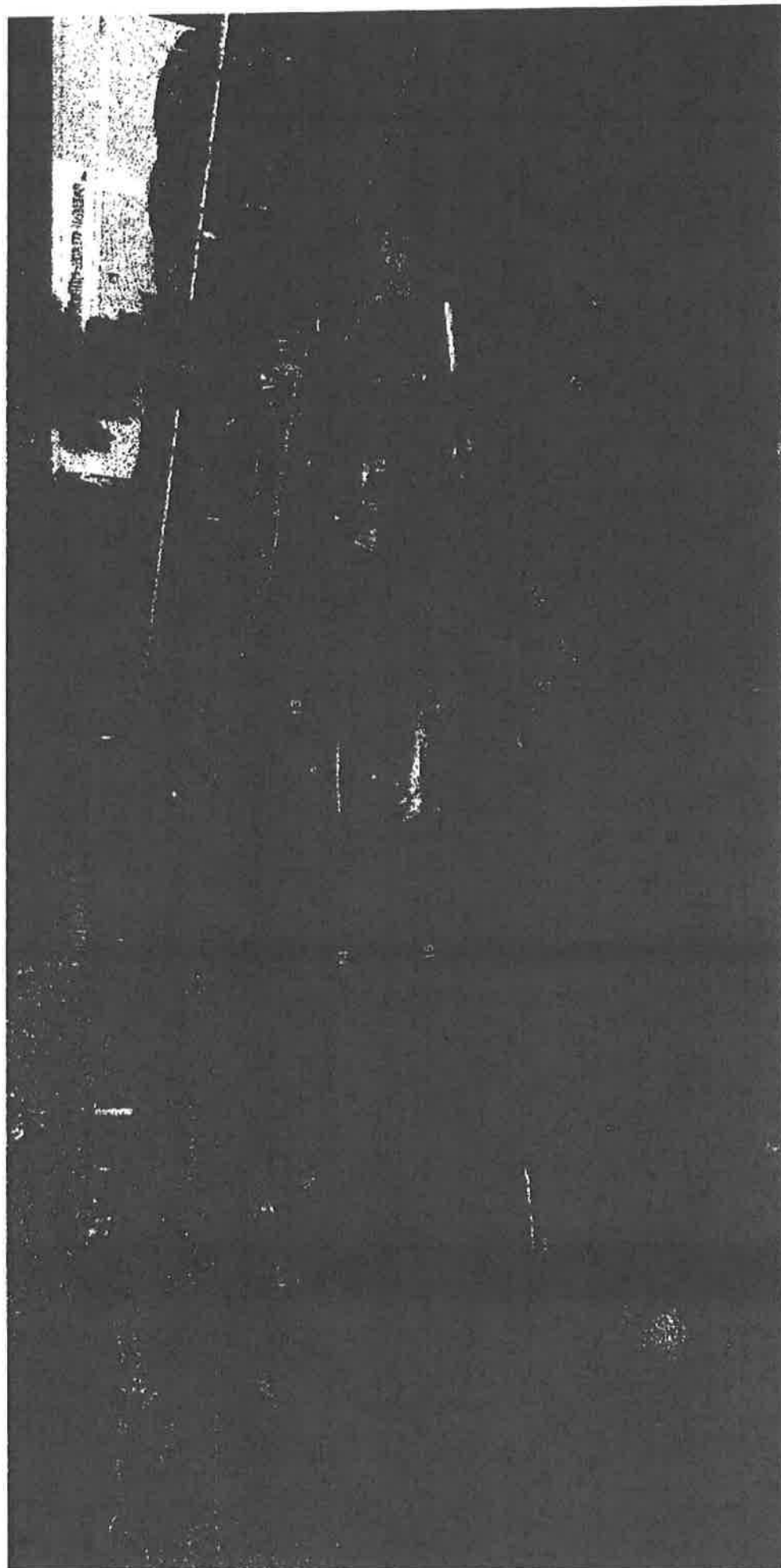
- 132' to the scene from the carwash
- 73' to the scene from the Aire-Rite sign
- 75' to the scene from the tunnel walkway of First Baptist Church
- 71' overall roadway width of Yucaipa Blvd.

REPORTING OFFICER DET. E. BACHMAN	DATE 7/10/13	REVIEWED BY 	TYPED BY Rochelle	ROUTED BY	DATE
OTHER ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Other <input type="checkbox"/> SD/PD <input type="checkbox"/> Patrol		REMARKS		









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VICTIM'S NAME - LAST NAME Diaz,	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE

SCENE #2

On Saturday, June 29, 2013, at about 2317 hours, Crime Scene Specialist Carol Fostore and I processed [REDACTED] for evidence. Reserve Deputy Cowen and Detective K. Allan from the Yucaipa station secured the scene until Fostore and I arrived.

The inside of the trailer was in disarray but there were no signs of a physical struggle. [REDACTED] trailer's front sliding door faced north and consisted of an aluminum frame with cardboard in place of glass.

The trailer was an open floor plan, single-family structure with one bedroom and one bathroom. A counter top separated the living room and the kitchen. The kitchen was located in the northernmost portion of the trailer. The kitchen had a window, which faced the paved roadway outside. There was a strip of dirt approximately three feet wide below the kitchen window in front of the trailer. This dirt was bordered with rocks of all sizes. There was a concrete, covered driveway on the east side of the trailer. There was another strip of dirt of approximately two feet wide between [REDACTED].

[REDACTED] and [REDACTED] arrived at the scene during the processing because they had no other place to go. [REDACTED], were allowed to sit on a swing bench outside the trailer near the front sliding door until Fostore and I finished processing the trailer.

Scene Description Outside

The outside of the trailer consisted of white aluminum siding. On the east side of the dirt in front of the kitchen there was an aluminum scooter and a black and white metal Playboy lighter. [REDACTED] said the Zippo lighter belonged to Merlin Factor, and Merlin pitched it against the trailer siding earlier in the day. [REDACTED] did not recognize the scooter and believed it belong to Merlin as well.

REPORTING OFFICER Det. A. Avila [REDACTED]	DATE 072613	REVIEWED BY	TYPED BY	ROUTED BY	DATE
FOR OFFICIAL ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS		

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VICTIM'S NAME - LAST NAME Diaz,	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE

Upright, tall, and narrow pine trees decorated the dirt strip on the east side of the driveway. The trunks of the pine trees were decorated with curved, scalloped concrete edger stones. One of the stones decorating the first tree was lying on its side.

The siding next to the front sliding door and the northeast corner of the trailer had several indentations on it. [REDACTED] and [REDACTED] explained that about two weeks ago, Merlin threw the curved scalloped concrete edger against the siding of the house and caused the indentations on the aluminum siding near the front door, and on the siding below the kitchen windows. [REDACTED] believed this incident was not reported to police.

Scene Description Inside

The kitchen was furnished with a refrigerator, a stove, counter tops, cupboards, and a wooden dining table. The refrigerator was against the northwest corner and closest to the broken kitchen window. The counter top and a stove were against the west wall south of the refrigerator. The counter top extended 90 degrees perpendicular from the west wall, and this wall separated the living room from the kitchen. The dining table was on the northeast corner of the kitchen.

The kitchen window had a circular break of approximately 13" in diameter. A large rock lay on the kitchen floor next to the stove. The kitchen window dressing was knocked down and lay below the window on the kitchen floor. Two pieces of paper lay on the kitchen floor; these pieces of paper contained children drawings and appeared to have been knocked down from the refrigerator door by either the rock or the window dressing. A piece of wood of approximately three feet long by two inches wide lay in the kitchen floor east of the refrigerator. [REDACTED] and [REDACTED] used the wood to prevent the window from being open from the outside.

EVIDENCE

Collected Non-Placarded Items

1. Black and white metal Playboy cigarette lighter
2. Gray and black scooter, unknown brand

REPORTING OFFICER Det. A. Avila [REDACTED]	DATE 072613	REVIEWED BY JG	TYPED BY	ROUTED BY	DATE 8/15/13
FURTHER ACTION: <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.		<input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol <input type="checkbox"/> SD/PD <input type="checkbox"/> Other	
REMARKS					

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CASE NO.

141302397

H-2013-056

REPORT AREA

SECTION PC 69 / 245 (C)		CRIME Resisting / Assault on a Peace Officer	CLASSIFICATION Assault / OIS
VICTIM'S NAME - LAST NAME Diaz,	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE		PHONE

Non-Placarded Items

The measurements listed were obtained with a steel tape.

1. Large rock inside the kitchen
2. 13" diameter window break with radial fractures
3. One indentation on the north side of approximately 1'x1'
4. One indentation on the northern most portion of the east wall of approximately 1'x1'
5. Two horizontal indentations on the east siding next to the sliding door. These indentations measured approximately 2' horizontally and 1' vertically (caused by red, scalloped concrete stone)

All listed items of evidence were photographed and collected by Fostore; she also swabbed the rock used by Merlin to break the window for DNA comparison.

SCENE CLOSURE

Fostore, Detective Allan, Cowen and I cleared the scene at 0138 hours.

REPORTING OFFICER Det. A. Avila	DATE 072613	REVIEWED BY	TYPED BY	ROUTED BY	DATE
FURTHER ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Other <input type="checkbox"/> SD/PPD <input type="checkbox"/> Other <input type="checkbox"/> Patrol		REMARKS	

San Bernardino County Sheriff's Department



Drawn By

Det. A. Avila

Location:

Date Drawn

8/7/2013

Incident Date:

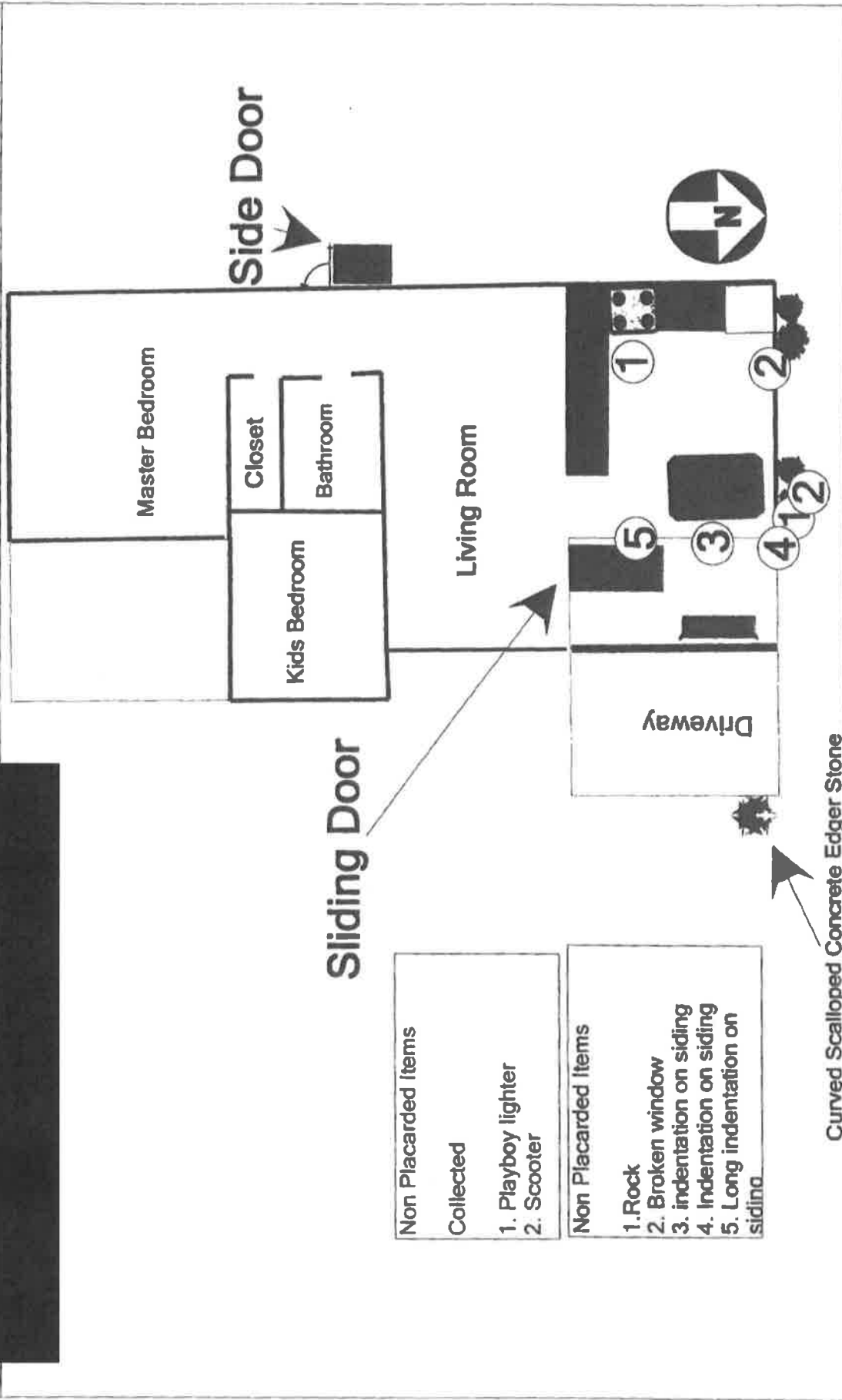
6/29/2013

Scale

Not to scale

Case

141302397



**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.
141302397
H2013-056

REPORT AREA

SECTION 245(c)		CRIME Assault with a deadly weapon	CLASSIFICATION Felony
VICTIM'S NAME - LAST NAME Diaz, Ismael	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS			PHONE

DEPUTY INTERVIEW: PEREA, JOSEPH

On June 30, 2013, at 0001 hours, I interviewed Perea in the Yucaipa Sheriff's station conference room. The following is a summary of my recorded interview with him.


Present during the interview were the following personnel:

- Detective G. Hart
- Detective J. Davenport
- Deputy J. Perea
- Attorney K. Castillo

I advised Perea the issue at hand was a criminal investigation and the case would be forwarded to the District Attorney's Office at its conclusion. I verified with Perea he was providing me with a free and voluntary statement and he was not being ordered to speak with me.

Deputy Perea provided me with the following information:

- | | |
|-----------------------------------|--|
| ➤ Employee number | [REDACTED] |
| ➤ Date of Birth | [REDACTED] |
| ➤ Height and Weight | [REDACTED] |
| ➤ Station assignment | Patrol Yucaipa Station for past 5 years |
| ➤ Date assigned to patrol | Hired in 1996, on patrol for the past 14 years |
| ➤ Current shift and hours | Cover Shift 1500-0300 |
| ➤ Call sign | 14P31 |
| ➤ Unit number and type of vehicle | Roof #14-9, Crown Victoria patrol car |
| ➤ Uniform | Short sleeve class A San Bernardino County Sheriff's uniform with sam browne |
| ➤ Sam Browne gear | Audio recorder, pistol, cuff case, HT, collapsible baton |
| ➤ Pistol Make / Caliber | Taser, 2 magazine case |
| ➤ Back up weapon | Glock 21, .45 caliber, loaded to capacity 13+1 |
| | Glock 30, .45 caliber, left ankle holster, capacity 10+1 |

REPORTING OFFICER Det. G. Hart	DATE 070913	REVIEWED BY 	TYPED BY GH	ROUTED BY	DATE
FURTHER ACTION: <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS		

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.
141302397
H2013-056

REPORT AREA

SECTION 245(c)		CRIME Assault with a deadly weapon		CLASSIFICATION Felony	
VICTIM'S NAME - LAST NAME Diaz, Ismael		FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)	
ADDRESS		RESIDENCE			PHONE

DEPUTY INTERVIEW: PEREA, JOSEPH (CONT.)


- | | |
|----------------------------|---|
| ➤ Recording device active | Yes |
| ➤ Patrol unit camera | No |
| ➤ Photos or video at scene | No |
| ➤ Injuries | Stated none but said he had hearing loss from firearm discharge |

At about 1650-1700 hours, Perea was on patrol in Yucaipa. He was dispatched over the air to a suspicious circumstances call in the area of Yucaipa Boulevard and 3rd Street. A female called and asked to send the police. Dispatch thought the call was associated with a call Deputy Ismael Diaz was handling at the time and wanted to cancel Perea and send the call to Diaz. Perea opted to remain on the call and assist.

Perea was not familiar with the call Diaz was handling and was not able to view Diaz' call on the MDC. Perea believed the call Diaz was handling was a vandalism. Dispatch broadcasted the involved vehicle (in the suspicious circumstances call) was green. Perea recalled Diaz broadcasting information that the male may be a "runner".

Diaz broadcasted he saw a green car in front of the Kopper Kettle Kafe on Yucaipa Boulevard. Perea was in the eastbound #1 lane, approaching the Kopper Kettle Kafe, and saw a female in the driver's seat of a green vehicle with a "frantic" look on her face. When she saw Perea, it appeared as though she displayed a sigh of relief. Perea also saw a male in the passenger seat of the same vehicle sternly looking at the female driver. Perea broadcasted what he observed and saw the vehicle exit the driveway and turn westbound onto Yucaipa Boulevard. Perea had to wait for a few motorists to pass, so he could safely turn his vehicle around.

Once Perea was turned around, he saw Diaz had already positioned himself behind the green vehicle and activated his overhead lights. The green vehicle pulled into the church parking lot on Yucaipa Boulevard, just east of 3rd Street, where both vehicles stopped. Perea was not sure about the positioning of Diaz' patrol car, but believed he was behind the green vehicle.

REPORTING OFFICER Det. G. Hart		DATE 070913	REVIEWED BY 	TYPED BY GH	ROUTED BY	DATE
FURTHER ACTION: 3 <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Other <input type="checkbox"/> SD/PD <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS		

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.
141302397
H2013-056

REPORT AREA

SECTION PC 245(c)		CRIME Assault with a deadly weapon	CLASSIFICATION Felony
VICTIM'S NAME - LAST NAME Diaz, Ismael	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS			PHONE

DEPUTY INTERVIEW: PEREA, JOSEPH (CONT.)

Perea positioned his patrol car on the passenger side of the green vehicle. This would have placed Perea's driver's door next to the green vehicle's passenger door. Perea did this because he believed the male subject would possibly be running from the vehicle.

Perea saw Diaz in the opening of the front passenger door. Diaz and the suspect were facing each other and the suspect was pulling on Diaz' uniform shirt, in the mid-chest area. Perea described the contact between them as if they were both holding onto each other's upper torso and arms. Perea did not see Diaz or the suspect strike each other. Diaz was commanding the suspect to "stop resisting" and the suspect replied, "I'm not resisting", but it was obvious by the suspect's actions he was actively fighting with Diaz.

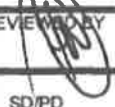
Perea described that he felt the suspect was attempting to take a weapon from Diaz and he feared the suspect would then use that weapon against him, Diaz, or the female in the vehicle.

Perea removed his Taser from his belt, moved to the suspect's right side, and reached under Diaz' and the suspect's arms and Tased the suspect's chest area. Perea could hear the Taser was activated but he was not seeing the expected response from the suspect, indicating it was effective. The suspect merely looked at Perea and continued resisting Diaz.

Perea gave the example that a subject tased effectively; usually curls up in a ball or stiffens up, which this suspect did not do. This indicated to Perea the Taser did not successfully connect to the suspect.

Perea repositioned the Taser to a point of aim on the suspect's upper back area below his right shoulder and discharged the second set of darts. This appeared to be effective, causing the suspect to curl into a ball with the suspect's hands towards his waist.

Perea heard a male voice say, "gun", but he was unsure if the suspect or Diaz said it. Perea heard Diaz tell the suspect "I'm going to shoot you". Perea still had the Taser in his hand and at the same time, he saw a continued lack of compliance from the suspect. The suspect

REPORTING OFFICER Det. G. Hart	DATE 070913	REVIEWED BY 	TYPED BY GH	ROUTED BY	DATE
FURTHER ACTION: S <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Delective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS		

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.
141302397
H2013-056

REPORT AREA

SECTION PC 245(c)		CRIME Assault with a deadly weapon		CLASSIFICATION Felony	
VICTIM'S NAME - LAST NAME Diaz, Ismael		FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)	
ADDRESS		RESIDENCE			PHONE

DEPUTY INTERVIEW: PEREA, JOSEPH (CONT.)

began to "frantically dig in his waistband" on the left side of his waist. Perea saw the suspect "digging

hard" and "trying to pull whatever he had on him out". Perea believed the suspect to be attempting to retrieve a gun from his waistband.


Perea did not want to take the time to re-holster the Taser, so he set it on the roof of the green car and drew his handgun. Perea heard Diaz again yell at the suspect "I'm gonna shoot you, I'm gonna shoot you".

Perea was about 3 feet away from the suspect and fired 3-4 shots at the suspect's torso area. This did not have an effect on the suspect and he began digging even harder into his waistband as the suspect looked at Perea. Perea continued to shoot the suspect until he felt the threat was stopped. Perea estimated he shot 10 rounds.

Perea reloaded his handgun with a full magazine from his duty belt. He said the gun was not empty, but if the suspect was able to engage him, Perea wanted to be able to continue shooting until the threat was stopped. In doing this, Perea loaded a full magazine into the gun; while there was still a live round in the chamber and cycled the slide one time, which ejected one live round onto the ground at the scene.

Perea believed Diaz was backing up as the shooting occurred. After the shooting stopped, Diaz reached into the vehicle and pulled the suspect out of the vehicle and onto the ground. They turned the suspect face up and Perea saw his eyes were clearly open but he was not responsive, not breathing and appeared to be deceased.

Perea did not know the status / involvement of the female driver of the vehicle and saw she started to walk away from the scene, towards the back of Perea's patrol car. Perea handcuffed the female and placed her in the back seat of his patrol car. The female was crying, but her demeanor was as if she was thankful.

REPORTING OFFICER Det. G. Hart		DATE 070913	REVIEWED BY 	TYPED BY GH	ROUTED BY	DATE
FURTHER ACTION: 3 <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Other <input type="checkbox"/> SD/PO <input type="checkbox"/> Other <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol			REMARKS	

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.
141302397
H2013-056

REPORT AREA

SECTION PC 245(c)		CRIME Assault with a deadly weapon		CLASSIFICATION Felony	
VICTIM'S NAME - LAST NAME Diaz, Ismael		FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)	
ADDRESS			RESIDENCE		PHONE

DEPUTY INTERVIEW: PEREA, JOSEPH (CONT.)

Perea also handcuffed the suspect, but could not recall whom he cuffed first; the male or the female.

Perea returned to the suspect after cuffing the female. He saw what he thought was a sign of life as the suspect "gasped for air" so he began chest compressions. Perea was not able to feel a carotid pulse or see any breathing, so he continued with CPR and first aid.

Deputy Rice arrived on scene and had "quick clot" which they applied to the suspect's chest wound and covered with a bandage in an attempt to stop the bleeding. Perea continued with compressions and checked vital signs.


Medical personnel arrived on scene and requested they uncuff the suspect. Perea said they would need to conduct a search to verify he was not armed prior to uncuffing. Perea believed the suspect may have a gun and could still pose a risk.

Medical personnel cut the suspect's clothes off. Perea noticed a knife on the ground near the suspect's waistband. Perea did not know if the knife fell from the suspect when the clothing was cut off or if Diaz recovered the knife and set it on the ground.

Medical personnel took over care for the suspect and subsequently transported him to the hospital for further treatment.

Perea said the vehicles involved in the incident, to include the green vehicle and two patrol cars, were not moved and the handgun magazine and Taser cartridges were left at the scene. Deputies arrived to assist and secured the scene with crime scene tape.

In additional clarifying questions posed by Det. Davenport, Perea expressed his purpose behind first utilizing the Taser was to stop the suspect from fighting with Diaz. After the suspect was separated from Diaz the suspect was deliberate and persistent in reaching into his pants. Perea was "scared to death", the suspect was reaching for a gun and if he did not

REPORTING OFFICER Det. G. Hart		DATE 070913	REVIEWED BY 	TYPED BY GH	ROUTED BY	DATE
FURTHER ACTION: S <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS		

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.
141302387
H2013-056

REPORT AREA

SECTION
PC 245(c)

CRIME
Assault with a deadly weapon

CLASSIFICATION
Felony

VICTIM'S NAME - LAST NAME

FIRST NAME

MIDDLE NAME

(FIRM NAME IF BUSINESS)

Diaz, Ismael

ADDRESS

RESIDENCE

PHONE

act with deadly force the suspect could potentially kill he and Diaz and also pose a threat to the female involved. Perea felt the suspect, "has a purpose, to hurt us, to get away".

Interview concluded at 0048 hours.

REPORTING OFFICER

Det. G. Hart

DATE
070913

REVIEWED BY

TYPED BY

GH

ROUTED BY

DATE

FURTHER ACTION:

☐ NO

COPIES TO:

☐ Detective

☐ Dist. Atty.

☐ Other

☐ CII

☐ Patrol

☐ SO/PO

☐ Other

REMARKS

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.
141302397
H2013-056

REPORT AREA

CHARGE SECTION PC 245 (c)		CRIME Assault with a deadly weapon	CLASSIFICATION Felony
VICTIM'S NAME - LAST NAME Diaz, Ismael		FIRST NAME	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE

WEAPON EXCHANGE: DEPUTY JOE PEREA

On June 29, 2013, at 2206 hours, I observed and documented the exchange of Perea's duty handgun that was utilized during the incident involving Merlin Factor. This exchange took place in the briefing room of the Yucaipa Sheriff's station.

Present in the room during the exchange were the following personnel:

- Detective Gary Hart
- Crime Scene Specialist Carol Fostore
- Sheriff's Civil Investigator Gordon Clemmer
- Deputy Joseph Perea

Perea removed his duty handgun from his duty holster. He removed the magazine and placed it on the table. He cycled the slide one time and ejected one live round from the chamber rendering the weapon safe. Perea locked the slide in the open position and placed the gun on the table.


The handgun was a Glock 21, .45 caliber, Generation 4, semi-automatic pistol, serial [REDACTED]. There was a Streamlight M6 (model TLI-001) tactical light affixed to gun, in front of the trigger guard. The Glock magazine removed from the gun had a capacity of 13 rounds.

Fostore removed 12 live rounds from the magazine. Fostore photographed the gun, magazine and live rounds.

During the exchange, Perea explained he normally loads his handgun to capacity as follows:

- 1 live round in the chamber
- 13 live rounds in the magazine

Perea said he left one magazine at the scene; because he removed it from the handgun, directly after the shooting, and replaced it with a full magazine.

REPORTING OFFICER Det. G. Hart [REDACTED]		DATE 070213	REVIEWED BY 	TYPED BY GH	ROUTED BY	DATE
FURTHER ACTION: S <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		<input type="checkbox"/> Other <input type="checkbox"/> SO/PO <input type="checkbox"/> Other		REMARKS	

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.

141302397
H2013-056

REPORT AREA

SECTION
PC 245 (c)

CRIME
Assault with a deadly weapon

CLASSIFICATION
Felony

VICTIM'S NAME - LAST NAME

FIRST NAME

MIDDLE NAME

(FIRM NAME IF BUSINESS)

Diaz, Ismael

ADDRESS

RESIDENCE

PHONE

WEAPON EXCHANGE: DEPUTY JOE PEREA (CONT.)

Fostore packaged the handgun, magazine and live rounds as evidence. Clemmer issued Perea a Glock 21, .45 caliber handgun as a replacement until processing of his weapon was completed.

REPORTING OFFICER

Det. G. Hart

DATE

070213

REVIEWED BY

TYPED BY

GH

ROUTED BY

DATE

FURTHER ACTION:

.S ☐ NO

COPIES TO:

☐ Other

☐ SDPB

☐ Detective

☐ CH

☐ Other

☐ Dist. Atty.

☐ Patrol

REMARKS

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.

141302397

H-2013-056

REPORT AREA

SECTION P.C. 69		CRIME Resist/Obstruct Officer with Force	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS			PHONE


WITNESS OFFICER INTERVIEW: Diaz, Ismael

On Saturday, June 29, 2013, at 1101 hours, Detective Gary Hart and I interviewed Deputy Ismael Diaz in a conference room at the Yucaipa Sheriff's Station. Present during the interview was Diaz's attorney, Casey Castillo, from the law offices of Lackie, Dammeier, McGill and Ethir. I explained to Diaz that I was conducting a criminal investigation and the resulting report would be filed with the District Attorney's office. Diaz told me he understood and desired to provide me with a voluntary statement. The following is a summary of Diaz's recorded statement.

Deputy Information

Name Date of Birth Height Weight Employee Number Years of Service Date of hire Date Started Patrol Previous Law Enforcement Experience Shift Call Sign Unit Number	Ismael Diaz <div style="background-color: black; width: 100px; height: 40px; margin: 5px 0;"></div> <div style="background-color: black; width: 100px; height: 20px; margin: 5px 0;"></div> <div style="margin: 5px 0;">7 years of service</div> <div style="margin: 5px 0;">July 15, 2006</div> <div style="margin: 5px 0;">2008</div> <div style="margin: 5px 0;">No</div> <div style="margin: 5px 0;">Day shift</div> <div style="margin: 5px 0;">14p32</div> <div style="margin: 5px 0;">14-5 – White marked Crown Victoria</div>
---	--

On June 29, 2013, Diaz wore a class A, short sleeve uniform, which consisted of a tan shirt with sheriff's patches on both shoulders, a flag on the right side of his chest, name tag under the flag, a badge on the left side of his chest, green pants and black boots. Diaz wore a Sam Brown belt, which held his Glock 21 handgun, audio recorder, magazine pouch and two ammunition magazines, handcuff case, radio holster and radio, Tazer and holster, OC spray and holster, and flashlight. Diaz also had an ankle holster on his right ankle, which held his back up Glock 30 handgun.

REPORTING OFFICER Det. Gerald Davenport	DATE 8/29/13	REVIEWED BY 	TYPED BY	ROUTED BY	DATE
FURTHER ACTION: ; NO	COPIES TO: Detective CII Dist. Atty. Patrol		REMARKS		

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.

**141302397
H-2013-056**
REPORT AREA

SECTION P.C. 69		CRIME Resist/Obstruct Officer with Force	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS			PHONE

WITNESS OFFICER INTERVIEW CONTINUED: Diaz, Ismael

Diaz did not have a rider or partner on June 29, 2013. Diaz had his audio recorder on during the shooting. Diaz' vehicle is not equipped with video or audio surveillance and he did take pictures at the scene using a department issued digital camera.

Diaz did not fire his weapon during the shooting. Diaz carried his Glock 21, .45 caliber handgun at the time of the shooting, which he loaded with 13 rounds in the magazine and one round in the chamber.


Diaz suffered minor injuries as a result of his contact with Merlin Factor. The following are a list of Diaz's injuries,

- Bruise to left elbow
- ½ oval abrasion to left elbow
- Minor pain and discomfort in the left elbow

On June 29, 2013, at approximately 1600 hours, Diaz responded to [REDACTED] regarding a report of vandalism. Diaz was unsure when he arrived on scene, but spent approximately 20 minutes talking to the reporting party, [REDACTED]. [REDACTED] told Diaz a person named Merlin Factor threw a rock through the front window of his house and fled.

[REDACTED] told Diaz, Factor was a violent person and several days before the vandalism assaulted his girlfriend, [REDACTED]. Factor broke the door down to [REDACTED] mobile home, entered the residence and beat [REDACTED] and [REDACTED] reported the incident to the Sheriff's department.

Factor and [REDACTED] dated one another during a period of separation between [REDACTED] and [REDACTED]. Factor and [REDACTED] were no longer together because of his violence. Factor knew [REDACTED] work schedule and would come to [REDACTED] house to harass and intimidate [REDACTED]. Factor would beat on the house and throw rocks at the siding to get [REDACTED] to open the door and let him in the house.

REPORTING OFFICER Det. Gerald Davenport [REDACTED]		DATE 6/29/13	REVIEWED BY 	TYPED BY	ROUTED BY	DATE
FURTHER ACTION: 3 NO	COPIES TO: <div style="display: flex; justify-content: space-between;"><div>Other Detective Dist. Atty.</div><div>Other Patrol</div></div>		REMARKS			

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.

141302397

H 2013-056

REPORT AREA

CODE SECTION		CRIME Officer Involved Shooting	CLASSIFICATION
VICTIM'S NAME - LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE

WITNESS OFFICER INTERVIEW CONTINUED:

Diaz, Ismael

Factor was a white male adult, in his late 20's, who stood approximately 6'0" tall and had a slender build. According to [REDACTED] Factor had numerous warrants for his arrest.


[REDACTED] claimed Factor regularly eluded arrests and would hide in the drainage area near the mobile home park on 2nd street or in [REDACTED] mobile home park complex.

[REDACTED] and [REDACTED] could not stand the harassment any longer and wanted Factor arrested. Diaz explained to [REDACTED] that the damaged window was a misdemeanor not committed in his presence and suggested he and [REDACTED] obtain a restraining order. Diaz provided [REDACTED] with court and restraining order information. [REDACTED] told Diaz he would be happy if the police arrested Factor for his arrest warrants.

[REDACTED] was not at the mobile home with [REDACTED] during Diaz's contact. Diaz asked [REDACTED] where [REDACTED] was and he told Diaz, she went to pick up Factor at an adult school on Yucaipa Boulevard. Diaz was puzzled why [REDACTED] would offer a ride to someone who recently beat her and threw a rock through her window. [REDACTED] told Diaz they were tired of Factor getting away with his harassment and [REDACTED] developed a plan to have him arrested. [REDACTED] plan was to drive Factor toward Calimesa, attract police attention, be pulled over and have Factor arrested for his warrants. [REDACTED] told Diaz, that [REDACTED] drove an older model, four door, green, Malibu car with a broken brake light. [REDACTED] tried to call [REDACTED] but he could not reach her.

Diaz assured [REDACTED] he would try to find [REDACTED] and Factor. Diaz left the mobile home park and drove south on 2nd Street. As he pulled onto 2nd Street, Diaz heard dispatch broadcast a 911 suspicious circumstances call, on Yucaipa Boulevard and 3rd Street. Dispatch relayed to Diaz that the female was heard screaming and asked someone to call 911 before the call disconnected. The unknown dispatcher told Diaz the 911 suspicious circumstances call could be related to his vandalism call.

Diaz made a u-turn and drove north on 2nd Street and then turned left on Avenue E. Diaz took Avenue E to 3rd Street and made a right turn. Diaz drove to 3rd Street and Yucaipa Boulevard.

REPORTING OFFICER Detective Gerald Davenport [REDACTED]	DATE 06/29/13	REVIEWED BY 	TYPED BY	ROUTED BY	DATE
OTHER ACTION: _S <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol <input type="checkbox"/> Other		REMARKS		

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.

**141302397
H 2013-056**
REPORT AREA

CRIME SECTION

CRIME

CLASSIFICATION

Officer Involved Shooting

VICTIM'S NAME - LAST NAME

FIRST NAME

MIDDLE NAME

(FIRM NAME IF BUSINESS)

ADDRESS

RESIDENCE

PHONE

WITNESS OFFICER INTERVIEW CONTINUED:

Diaz, Ismael

and began to look for anyone in distress. Diaz looked at a car wash and a gas station on Yucaipa

Boulevard, but no one flagged him down for help. Diaz asked several people at the car wash on 3rd Street and Yucaipa Boulevard. If they saw anyone in trouble and no one reported seeing anyone in need of help.

Diaz kept constant contact with dispatch and Deputy Joseph Perea, who assisted Diaz in the search for Factor and [REDACTED]. Diaz provided dispatch and Perea with his location and updates on his inability to locate the reporting party of the suspicious circumstances call and the green Malibu with [REDACTED] and Factor. Diaz also told Perea that Factor had warrants for his arrest and he would attempt to flee when contacted.

Diaz began to search for the green Malibu driven by [REDACTED] and Factor. Diaz did not find the car near the adult school on Yucaipa Boulevard. Diaz did see a White male jump a fence near 3rd Street and Yucaipa Boulevard. Diaz stopped to talk to the male, but he did not fit Factor's description so he let him leave. Diaz felt helpless when he could not find the green Malibu or the person who called 911 for help.

As Diaz crossed the intersection at 3rd Street and Yucaipa Boulevard, he saw the green car next to the Wiener schnitzel restaurant, east of the intersection of 3rd Street and Yucaipa Boulevard. Diaz made a u-turn and drove east toward the car. The green car pulled onto Yucaipa Boulevard and drove west, passed Diaz. As Diaz drove by the green Malibu, he saw a White female driver and a White male passenger in the car. The driver had a frightened look on her face and a rear brake light was broken. The Malibu fit the description of [REDACTED] car.

Diaz radioed to Deputy Perea that he had found the car near the Weiner Schnitzel restaurant and Diaz made a u-turn and positioned his patrol car behind [REDACTED] vehicle. Diaz activated his emergency lights and the Malibu pulled into the Baptist Church parking lot at 34784 Yucaipa Boulevard. [REDACTED] did not hesitate to stop her vehicle and parked near the street. Diaz parked his car parallel to the passenger side of the vehicle, not behind the car. Perea

REPORTING OFFICER

Detective Gerald Davenport [REDACTED]

DATE

06/29/13

REVIEWED BY

TYPED BY

ROUTED BY

DATE

FURTHER ACTION:

☒ YES ☐ NO

COPIES TO:

☐ Other

☐ SD/PO

☐ Detective

☐ CII

☐ Other

☐ Dist. Atty.

☐ Patrol

REMARKS

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.

**141302397
H 2013-056**
REPORT AREA

CRIME SECTION		CRIME Officer Involved Shooting	CLASSIFICATION
VICTIM'S NAME - LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS			PHONE

WITNESS OFFICER INTERVIEW CONTINUED: Diaz, Ismael

parked his vehicle parallel to the driver side of the car. Diaz parked next to the car because he knew, from the information provided to him from [REDACTED] that Factor would try to run.


When Diaz exited his car he approached the passenger side. Diaz saw [REDACTED] looking at him and Factor looking down at the floor board. The passenger window was rolled down and Diaz asked the passenger his name. The passenger, later determined to be Merlin Factor, told Diaz his name was [REDACTED]. Factor fit the suspect description and Diaz opened the front passenger door to handcuff Factor.

As Diaz opened the door, Factor put his right foot out of the car and attempted to stand up. Diaz immediately grabbed Factor's right hand to handcuff him. Diaz grabbed Factor's hand for officer safety reasons, since he never met Factor, and all Diaz knew about Factor was what [REDACTED] told him.

As Factor exited the car, Diaz turned him toward the car so Diaz could handcuff him. Factor immediately pulled away from Diaz's grip, turned his body toward Diaz, and grabbed his shirt. Diaz immediately gave Factor verbal commands to stop resisting as he pushed Factor against the inside of the car door. Diaz and Factor stood face to face and pushed at each other between the open car door and the front passenger seat. During the struggle, Factor ripped Diaz's shirt and tore off his name badge. Diaz knew Factor wanted to fight and Diaz was scared Factor was going to hurt him because he failed to comply with Diaz's orders to stop resisting.

Fearing he was about to be hurt, Diaz pushed Factor back into the car to create distance between them. Factor fell back onto the passenger seat before he quickly moved back toward Diaz and wrapped his arms around his waist. Diaz stood over Factor, as Factor reached his left hand around the gun side of his Sam Browne. Diaz felt Factor's left hand on his holster.

As Factor grabbed at Diaz's Sam Browne, Diaz heard Perea say, "he has a gun." Diaz and Factor continued to fight in the open doorway of the green Malibu when he heard Perea yell, "gun, gun, gun." Perea then deployed his Tazer as Diaz pushed Factor off him a second time.

REPORTING OFFICER: Detective Gerald Davenport [REDACTED]	DATE 06/29/13	REVIEWED BY 	TYPED BY	ROUTED BY	DATE
FURTHER ACTION: .S <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> SD/PI <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS	

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.

141302397

H 2013-056

REPORT AREA

SECTION

CRIME

Officer Involved Shooting

CLASSIFICATION

VICTIM'S NAME - LAST NAME

FIRST NAME

MIDDLE NAME

(FIRM NAME IF BUSINESS)

ADDRESS

RESIDENCE

PHONE

WITNESS OFFICER INTERVIEW CONTINUED:

Diaz, Ismael

Diaz was involved in a previous shooting where his partner's, Josep Perea, gun was taken by a suspect. When Diaz heard Perea say, "gun, gun, gun," he feared Factor had taken his gun. Diaz felt his holster and realized Factor did not take his gun.

When Perea deployed his Tazer, Diaz saw Factor stretched out on the passenger seat with both hands inside his waistband. Factor stopped moving for a moment, but it appeared to Diaz the Tazer was ineffective because Factor continued to talk to Diaz and Perea. Diaz did not remember exactly what Factor said, but he remembered Factor talking as he reached into the front of his waistband.

Diaz thought Factor dropped a gun in his pants because Factor frantically stretched his arms down his pants so far as if to get something deep inside his pants. Diaz thought Factor deliberately stretched out on the seat to make it easier to reach for whatever Factor had inside his pants. As Factor stretched out and dug his hands in his waistband, Perea deployed his Tazer a second time at Factor.

Diaz saw the probes in Factor, but the Tazer did not effectively incapacitated him since he continued to reach into his pants. While Factor lay on the passenger seat with his hand in his pants, Diaz ordered Factor several times to show his hands or Factor would be shot.

Diaz knew he was in the kill zone and believed Factor would shoot him if Factor produced a gun. Diaz did not have an adequate avenue of escape because Diaz stood directly in front of Factor and up against the inside of the passenger car door. Diaz's avenue of escape was blocked to the north by Diaz's car and to the east by Perea. Diaz eventually retreated around Perea to get to the rear of the Malibu.

Factor disregarded Diaz's order to show his hand and continued to reach with both hands into the front of his waistband. When Factor failed to comply with Diaz's orders, Perea fired his weapon at him. Diaz noticed Factor was hit with several bullets, but he continued to reach in the front of his pants as he was shot. Diaz remembered he heard approximately 4 to 5 gunshots.

REPORTING OFFICER

Detective Gerald Davenport

DATE

06/29/13

REVIEWED BY

TYPED BY

ROUTED BY

DATE

OTHER ACTION:

S ☐ NO

COPIES TO:

☐ Detective

☐ Dist. Atty.

☐ Other

☐ CII

☐ Patrol

☐ SD/PI

☐ Other

REMARKS

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.

**141302397
H 2013-056**
REPORT AREA

DE SECTION		CRIME Officer Involved Shooting	CLASSIFICATION
VICTIM'S NAME - LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE


WITNESS OFFICER INTERVIEW CONTINUED: Diaz, Ismael

Diaz did not remove his weapon from the holster and did not fire any rounds at Factor. After Factor stopped moving, Diaz pulled Factor out of the car and Perea handcuffed the driver. Diaz called dispatch for an ambulance and Perea began CPR chest compressions on Factor. As the ambulance arrived on scene, a knife was found in Factor's left front pocket.

Diaz feared for his safety and thought he was going to be hurt or killed. Diaz pushed Factor into the car out of self defense because Diaz thought Factor, at one point, had control of his firearm.

The first time Perea Tazed Factor, Diaz and Factor were in contact with each other. The second time Perea Tazed Factor, Diaz stood approximately two feet away from Factor. Diaz did not know the distance between he and Factor when Perea fired his weapon at Factor. All Diaz remembered was he tried to get distance between him and Factor because Diaz was in the kill zone.

Diaz did not have anything to add and I ended the interview.

REPORTING OFFICER Detective Gerald Davenport [REDACTED]	DATE 06/29/13	REVIEWED BY 	TYPED BY	ROUTED BY	DATE
FURTHER ACTION: 3 <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS	

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.
141302397
H2013-056

REPORT AREA

SECTION
PC 245 (c)

CRIME
Assault with a deadly weapon

CLASSIFICATION
Felony

VICTIM'S NAME - LAST NAME

FIRST NAME

MIDDLE NAME

(FIRM NAME IF BUSINESS)

Diaz, Ismael

ADDRESS

RESIDENCE

PHONE

COLLECTION OF TASER FROM DEPUTY PEREA

At the conclusion of the weapon exchange I advised Perea I would need to collect his Taser to have it downloaded. Perea removed his department issued Taser X2, serial # [REDACTED] from his holster and placed it on the table. Fostore photographed the Taser.

The Yucaipa station did not have the ability to download the Taser activity due to software issues. I took possession of the Taser to have it downloaded at the Sheriff's range.

REPORTING OFFICER

Det. G. Hart [REDACTED]

DATE

070213

REVIEWED BY

TYPED BY

GH

ROUTED BY

DATE

FURTHER ACTION:

3 ☐ NO

COPIES TO:

☐ Other

☐ SD/PB

☐ Detective

☐ CH

☐ Other

☐ Dist. Atty.

☐ Patrol

REMARKS

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.
141302397
H2013-056

REPORT AREA

SECTION 245 (c)		CRIME Assault with a deadly weapon	CLASSIFICATION Felony
VICTIM'S NAME - LAST NAME Diaz, Ismael		FIRST NAME	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE

COLLECTION OF TASER FROM DIAZ

Following the interview with Diaz, I asked him to provide me with his Taser. Diaz retrieved his assigned Taser X2, serial # [REDACTED], from his locker in the Yucaipa Sheriff's station and provided it to me. I removed both live cartridges and handed them back to him.

Personnel at the Yucaipa station did not have the ability to download the Taser activity due to software issues. I took possession of the Taser to have it downloaded at the Sheriff's range.

TASER DOWNLOAD

On July 2, 2013, at 1000 hours, I contacted Sheriff's Services Specialist Chuck Wagoner at the San Bernardino County Sheriff's range. Wagoner downloaded and printed the activity report for both Tasers. The download memorializes the information contained within the Taser to Evidence.com for future viewing and retrieval.


The following information was obtained from Deputy Diaz' Taser:

- No dart deployment or utilization of the Taser during the timeframe of the incident

The following information was obtained from Deputy Perea's Taser:

- | | | | |
|-----------------|----------|---------|-----------------------|
| ➤ June 29, 2013 | 16:29:33 | Armed | |
| ➤ June 29, 2013 | 16:29:34 | Trigger | Cartridge #1 deployed |
| ➤ June 29, 2013 | 16:29:39 | Trigger | Cartridge #2 deployed |
| ➤ June 29, 2013 | 16:29:46 | Trigger | Cartridge #2 deployed |
| ➤ June 29, 2013 | 16:31:19 | Safe | |

I spoke with Wagoner regarding interpretation of the printout. The printout indicated the Taser was activated, and pulling the trigger deployed the first set of darts. Pulling the trigger a second time, deployed the second set of darts. The trigger was pulled a third time, which again energized the second set of darts. Each trigger pull results in one set of the darts being energized for five seconds.

REPORTING OFFICER Det. G. Hart [REDACTED]		DATE 070213	REVIEWED BY 	TYPED BY GH	ROUTED BY	DATE
FURTHER ACTION: <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Other <input type="checkbox"/> SD/PD <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS		

15-15184-401 Rev. 1/83

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.
141302397
H2013-056

REPORT AREA

SECTION 245 (c)		CRIME Assault with a deadly weapon	CLASSIFICATION Felony
VICTIM'S NAME - LAST NAME Diaz, Ismael	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS RESIDENCE			PHONE

TASER DOWNLOAD (CONT.)

The total duration of 105 seconds is the record of the total amount of seconds between the device being armed, utilized, and the device being rendered safe, or shut off.


There were two (2) cartridges deployed. The first cartridge was energized once, for a total of 5 seconds. The second cartridge was energized twice, for a total of 10 seconds.

The retained data does not indicate whether or not the darts successfully contacted the target.

I attached a copy of the Taser download report for both devices.

TASER RETURN

On July 2, 2013, I returned the Tasers to the Yucaipa station, to be returned to Diaz and Perea.

REPORTING OFFICER Det. G. Hart	DATE 070213	REVIEWED BY 	TYPED BY GH	ROUTED BY	DATE
FURTHER ACTION: <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.		<input type="checkbox"/> Other <input type="checkbox"/> SD/PA <input type="checkbox"/> Other	REMARKS	



EVIDENCE.COM

Taser Information
Dept.

SAN BERNARDINO COUNTY
SHERIFF'S DEPT.

Report Generated by
Name

Wagoner, Chuck

Serial
Model
Firmware Version
Device Name
Health

TASER X2
Rev. 02.000
Good

Badge ID
Local Timezone
Generated On

Pacific Standard Time (UTC -07:00)
02 Jul 2013 10:14:42

Device (X2)

Seq #	Local Time [dd:mm::yyyy Hr:min:Sec]	Event [Event Type]	Cartridge Information [Bay:length in feet/status]	Duration [Seconds]	Temp [Degrees Celsius]	Batt Remaining [%]
1	29 Jun 2013 16:29:33	Armed	C1: 25' Standard C2: 25' Standard		33 33	81 81
2	29 Jun 2013 16:29:34	Trigger	C1: Deployed	5		81
3	29 Jun 2013 16:29:39	Trigger	C2: Deployed	5		80
4	29 Jun 2013 16:29:46	Trigger	C2: Deployed	5		80
5	29 Jun 2013 16:31:19	Safe	C1: Deployed C2: Deployed	105 105	41 41	80 80
6	02 Jul 2013 10:02:29	Time Sync	From '02 Jul 2013 10:02:29' to '02 Jul 2013 10:10:59'			





EVIDENCE.COM

Taser Information
Dept.

SAN BERNARDINO COUNTY
SHERIFF'S DEPT.

Report Generated by
Name

Wagoner, Chuck

Serial
Model
Firmware Version
Device Name
Health

██████████
TASER X2
Rev. 02.000
██████████
Good

Badge ID
Local Timezone
Generated On

██████████
Pacific Standard Time (UTC -07:00)
02 Jul 2013 10:06:02

Device (X2)

Seq #	Local Time [dd:mm:yyyy Hr:min:Sec]	Event [Event Type]	Cartridge Information [Bay:length in feet/status]	Duration [Seconds]	Temp [Degrees Celsius]	Batt Remaining [%]
1	24 Jun 2013 23:33:20	Armed	C1: 25' Standard C2: 25' Standard		28 28	79 79
2	24 Jun 2013 23:33:23	Safe	C1: 25' Standard C2: 25' Standard	2 2	28 28	79 79
3	28 Jun 2013 14:42:14	Armed	C1: 25' Standard C2: 25' Standard		24 24	79 79
4	28 Jun 2013 14:42:17	Safe	C1: 25' Standard C2: 25' Standard	3 3	24 24	79 79
5	29 Jun 2013 02:47:26	Armed	C1: 25' Standard C2: 25' Standard		28 28	79 79
6	29 Jun 2013 02:47:28	Safe	C1: 25' Standard C2: 25' Standard	2 2	28 28	79 79
7	29 Jun 2013 23:38:09	Armed	C1: 25' Standard C2: 25' Standard		26 26	79 79
8	29 Jun 2013 23:38:09	Safe	C1: 25' Standard C2: 25' Standard	0 0	26 26	79 79
9	29 Jun 2013 23:39:24	Armed	C1: Empty C2: Empty		26 26	79 79
10	29 Jun 2013 23:39:26	Safe	C1: Empty C2: Empty	2 2	26 26	79 79
11	02 Jul 2013 09:42:51	Time Sync	From '02 Jul 2013 09:42:51' to '02 Jul 2013 10:01:35'			

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SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600

CASE NO.

141302397

REPORT AREA

H2013-056

Page 1

SECTION PC 245(c)	CRIME ASSAULT WITH A DEADLY WEAPON	CLASSIFICATION OFFICER INVOLVED SHOOTING
VICTIM'S NAME - LAST NAME DIAZ,	FIRST NAME ISMAEL	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE


ASSIGNMENT:

On Tuesday, September 3, 2013, at approximately 0900 hours, Detective Armando Avila assigned me to re-interview Deputy Joseph Perea to explain his frame of mind when he set down his Taser on top of the green vehicle and transitioned to his duty weapon. I was also assigned to go over Deputy Ismael Diaz' audio belt recording to ascertain who was talking on the recording between Perea and Diaz.

INTERVIEW WITH JOSEPH PEREA:

On Tuesday, September 3, 2013, at approximately 1213 hours, I re-interviewed Deputy Joseph Perea at Headquarters in an interview room. The purpose of the interview was to go over a specific statement Perea made during his first interview with investigators. Perea's attorney, Kasey Castillo was present during the interview. The following was a summary of Deputy Perea's recorded interview.

Perea wanted to get the Taser out of the way and on top of the vehicle. Perea did not have time to place the Taser in the holster and immediately drew his duty weapon. Perea was scared to death and believed Merlin Factor was about take his life and the life of Diaz. I concluded the specific re-interview of Perea's recorded interview.

REPORTING OFFICER DET. S. WIJNHAMER	DATE 9/04/13	REVIEWED BY 	TYPED BY SW	ROUTED BY	DATE
FURTHER ACTION: <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.		<input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol		
REMARKS					

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600

Page 2

CASE NO.

141302397

REPORT AREA

H2013-056

SECTION PC 245(c)	CRIME ASSAULT WITH A DEADLY WEAPON	CLASSIFICATION OFFICER INVOLVED SHOOTING
VICTIM'S NAME - LAST NAME DIAZ,	FIRST NAME ISMAEL	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE

VERBATIM OF AUDIO RECORDING FROM DEPUTY DIAZ'S BELT RECORDER:

On Tuesday, September 3, 2013, at approximately 1220 hours, Deputy Ismael and Deputy Joseph Perea came to Headquarters with their Attorney Kasey Castillo. The objective of the meeting was to go over Deputy Diaz's belt recording to ascertain who was talking between Deputy Diaz and Deputy Perea during the officer involved shooting with Merlin Factor.


This verbatim includes the time frame from the initial contact between Deputy Diaz and Merlin Factor to the end of the shooting. It does not include the entire recording from the point Diaz activated his recorder to the point he turns off the recorder.

Start time on recording:
Stop time on recording:

4 minutes 39 seconds
5 minutes 15 seconds

TIMELINE

First contact	4 minutes 39 seconds
Taser deploy 1	4 minutes 48 seconds
Taser deploy 2	4 minutes 54 seconds
Taser activated	5 minutes 01 seconds
First shot fired	5 minutes 07 seconds
Last shot fired	5 minutes 15 seconds
Time from first verbal contact to first shot	28 seconds
Time from first verbal contact to last shot	36 seconds
Time from first shot to last shot	8 seconds
Total number of shots	13

REPORTING OFFICER DET. S. WIJNHAMER	DATE 9/04/13	REVIEWED BY 	TYPED BY SW	ROUTED BY	DATE
FURTHER ACTION: 3 <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Other <input type="checkbox"/> SD/PD <input type="checkbox"/> Other <input type="checkbox"/> Patrol		REMARKS		

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600

CASE NO.

141302397

REPORT AREA

H2013-056

Page 3

SECTION PC 245(c)	CRIME ASSAULT WITH A DEADLY WEAPON	CLASSIFICATION OFFICER INVOLVED SHOOTING
VICTIM'S NAME - LAST NAME DIAZ,	FIRST NAME ISMAEL	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE

VERBATIM OF AUDIO RECORDING FROM DEPUTY DIAZ'S BELT RECORDER(CONT.):

DIAZ: What's up bro, what's your name?
FACTOR: My name's [REDACTED]
DIAZ: [REDACTED]?
FACTOR: Got a gun, ya
DIAZ: Get out
FACTOR: What's up
DIAZ: Put your hands behind your back
FACTOR: I'm out, I'm out
DIAZ: Put your hands (inaudible)
FACTOR: I'm out sir, I'm
DIAZ: Stop resisting
FACTOR: I'm out, I'm not resisting, I'm not resisting, I'm not
DIAZ: Stop resisting

SOUND OF TASER DISCHARGE

FACTOR: I'm not
DIAZ: Tase him, Tase him
PEREA: Taser, Taser, Taser, Taser
PEREA AND DIAZ: (Inaudible) both giving commands at the same time
PEREA: Get on the ground, get on the ground, get on the ground
FACTOR: I'm down, I'm down, I'm down, I'm down, I'm down, I'm down, I'm down, I'm down -scream

SOUND OF TASER DISCHARGE

REPORTING OFFICER DET. S. WIJNHAMER [REDACTED]	DATE 9/04/13	REVIEWED BY [Signature]	TYPED BY SW	ROUTED BY	DATE
FURTHER ACTION: 3 <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS		

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600

Page 4

CASE NO.

141302397

REPORT AREA

H2013-056

SECTION PC 245(c)		CRIME ASSAULT WITH A DEADLY WEAPON	CLASSIFICATION OFFICER INVOLVED SHOOTING
VICTIM'S NAME - LAST NAME DIAZ,	FIRST NAME ISMAEL	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE

VERBATIM OF AUDIO RECORDING FROM DEPUTY DIAZ'S BELT RECORDER(CONT.):

DIAZ: (Inaudible)...he has a gun
FACTOR: I'm down
DIAZ: I'm gonna shoot you
FACTOR: I'm down
PEREA: He's got a gun? He's got a gun?
FACTOR: I can't breathe stop
PEREA: Does he have a gun? Does he have a gun?
FACTOR: I can't breathe, I'm done, I'm done

TASER SOUND


DIAZ: Stop moving before I shoot you; your gonna get shot
PEREA: Where's his gun at? Where's his gun?
FACTOR: I'm done, I don't have a gun
DIAZ: Your gonna get shot asshole
PEREA: Where's his gun? Where's his gun? Where's his?

GUNFIRE 6 shots followed by brief delay

GUNFIRE 4 shots followed by delay; where officers broadcast information
Both officers broadcast shots fired

GUNFIRE 2 shots followed by brief delay

GUNFIRE 1 shot

REPORTING OFFICER DET. S. WIJNHAMER	DATE 9/04/13	REVIEWED BY 	TYPED BY SW	ROUTED BY	DATE
FURTHER ACTION: <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.		<input type="checkbox"/> Other <input type="checkbox"/> SD/PD <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Patrol		REMARKS

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA**

CA 03600

Page 2

CASE NO.

141302397 H 2013-056

REPORT AREA

YC106

SECTION
PC 69

CRIME
Resist Obstruct Officer by Force

CLASSIFICATION
Felony - Knife

VICTIM'S NAME - LAST NAME

FIRST NAME

MIDDLE NAME

(FIRM NAME IF BUSINESS)

Deputy Joseph Perea

And

Deputy Ismael Diaz

ADDRESS

RESIDENCE

PHONE

HOSPITAL RESPONSE: FACTOR, MERLIN

1/5

On Saturday, 06/29/2013, at about 1817 hours I arrived in the Emergency Department of Redlands Community Hospital. I was directed to Emergency Room 12. Room 12 is the "Code Room," designated for patients in full cardiac arrest. Registered Nurse [REDACTED] and Deputy Sheriff Sherry Eversole were waiting inside room 12. Eversole told me the decedent was identified by witnesses at the scene as Merlin Factor, 06/18/1987, but the identification was not confirmed.

Factor was lying supine on the sole hospital gurney inside Room 12. [REDACTED] told me [REDACTED] pronounced Factor deceased on 06/29/2013 at 1720. [REDACTED] provided me with a copy of the Redlands Community Hospital treatment records.

I searched the Sheriff's Jail Information Management System for Merlin Factor's recent booking information. I located a record for Factor and was able to verify his Identify through tattoos listed on his person and through his booking photograph. The tattoos included: a naked witch on the outside of his right leg, a skull on inside of his right calf, a wizard on his right shoulder, and the words "mata malone" on the right side of his upper back.

At about 1845 hours, Crime Scene Specialist Carole Fostore and Deputy Coroner David McCarthy arrived in Emergency Room 12.

I provided McCarthy and Fostore a briefing based on information I received during the initial call out.

REPORTING OFFICER

Detective Ryan Ford, [REDACTED]

DATE

063013

REVIEWED BY

[Signature]

TYPED BY

ref

ROUTED BY

DATE

TRACTION:

☐ YES ☐ NO

COPIES TO:

☐ Detective

☐ Dist. Atty.

☐ Other

☐ CI

☐ Patrol

☐ SD/PD

☐ Other

REMARKS

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA**

CA 03600

Page 3

CASE NO.

141302397 H 2013-056

REPORT AREA

YC106

SECTION PC 69		CRIME Resist Obstruct Officer by Force		CLASSIFICATION Felony - Knife	
VICTIM'S NAME - LAST NAME		FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)	
Deputy Joseph Perea		And	Deputy Ismael Diaz		
ADDRESS		RESIDENCE			PHONE

HOSPITAL RESPONSE: FACTOR, MERLIN (continued)

2/5

BODY DESCRIPTION:

Factor was a Caucasian male adult of about 25 years of age. Factor had brown hair and a thinly trimmed beard/goatee. Factor was medium complexion and had a thin build. Factor was lying on top of a blue backboard with a white sheet draped over the pelvic and lower abdomen. Factor was nude except for a pair of blue socks on his feet.

BODY EXAM:

McCarthy started the body examination at 1900 hours. Fostore took photographs and collected evidence during the examination. McCarthy documented his findings under Coroner's report number 701304849.


THERAPEUTIC APPLIANCES:

Factor had the following therapeutic appliances attached or connected to his person: an Endo-Tracheal tube inserted into his mouth with a plastic collar holding it in place, multiple EKG patches on his torso, Defibrillator pads on the right side of his upper chest and on his left flank, needle thoracostomy in the left and right sides of his chest, an interosseous needle in the left and right shins, and an identification bracelet on his right wrist with Factor's personal information and medical record number 209188 written on it.

INJURIES:

McCarthy, Fostore and I examined Factor for any injuries with the assistance of medical staff. The injuries were numbered and described as they were observed, not by the sequence of occurrence.

1) Gunshot wound to the upper lateral side of his right arm.

REPORTING OFFICER Detective Ryan Ford, [REDACTED]		DATE 063013	REVIEWED BY 	TYPED BY ref	ROUTED BY	DATE
ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO		COPIES TO:		REMARKS		
		<input type="checkbox"/> Other <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.		<input type="checkbox"/> SD/PA <input type="checkbox"/> CII <input type="checkbox"/> Patrol		

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA**

CA 03600

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CASE NO.

141302397 H 2013-056

REPORT AREA


YC106

SECTION PL 69		CRIME Resist Obstruct Officer by Force		CLASSIFICATION Felony - Knife	
VICTIM'S NAME - LAST NAME		FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)	
Deputy Joseph Perea		And	Deputy Ismael Diaz		
ADDRESS		RESIDENCE			PHONE

HOSPITAL RESPONSE: FACTOR, MERLIN (continued)

3/5

- 2) Gunshot wound - graze on the right bicep.
- 3) Open wound to lateral anterior side of the right forearm. Possible graze wound
- 4) Gunshot wound - entrance to the medial right forearm.
- 5) Gunshot wound to the right axillary
- 6) Gunshot wound to the right axillary below #5
- 7) Gunshot wound to right elbow on the lateral side
- 8) Gunshot wound to the right flank
- 9) Taser dart impelled in the middle back, left of midline
- 10) Hematoma on the right scapula
- 11) Abrasion on right elbow
- 12) Gunshot wound next to #8
- 13) Gunshot wound below #8 and #9
- 14) Gunshot wound to the right lateral abdomen
- 15) Gunshot wound on the right iliac crest
- 16) Gunshot wound right upper back
- 17) Gunshot wound below #16

REPORTING OFFICER Detective Ryan Ford, [REDACTED]		DATE 063013	REVIEWED BY 	TYPED BY ref	ROUTED BY	DATE
ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol		REMARKS		

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA**

Page 5

CASE NO.

141302397 H 2013-056

REPORT AREA

YC106

SECTION
PC 69

CRIME
Resist Obstruct Officer by Force

CLASSIFICATION
Felony - Knife

VICTIM'S NAME - LAST NAME

FIRST NAME

MIDDLE NAME

(FIRM NAME IF BUSINESS)

Deputy Joseph Perea

And

Deputy Ismael Diaz

ADDRESS

RESIDENCE

PHONE

HOSPITAL RESPONSE: FACTOR, MERLIN (continued)

4/5

- 18) Gunshot wound to the right upper lateral back.
- 19) Laceration on the middle knuckle of the right index finger.
- 20) Gunshot wound to the upper chest lateral right to the sternum.
- 21) Gunshot wound to the upper chest lateral left to the sternum
- 22) Defect just above the left upper quadrant, lateral to the ziphoid process
- 23) Gunshot wound to the upper chest lateral left to the sternum.
- 24) Gunshot wound to the left bicep.
- 25) Abrasions on the back of left elbow.

EVIDENCE:

At about 1946 hours, Fostore collect a gunshot residue kit from Factor's left and right hands. At about 1950 hours, Fostore collected buccal swabs from Factor. Fostore collected a Taser dart and a copper jacket during the body examination. The Taser dart was lying loose, on the backboard, between Factor's left flank and left arm. The Taser wire strung from the dart off the left side of the backboard. The copper jacket was on the backboard between Factor's right flank and right arm.

IDENTIFICATION:

McCarthy used a portable identification device to scan and submit Factor's right thumbprint to Cal-ID. The device would not transmit and the results were not obtained. McCarthy advised he would notify me with any results.

REPORTING OFFICER

Detective Ryan Ford, [REDACTED]

DATE

063013

REVIEWED BY

[Signature]

TYPED BY

ref

ROUTED BY

DATE

REACTION:

☐ YES ☐ NO

COPIES TO:

☐ Detective

☐ Dist. Atty.

☐ Other

☐ CII

☐ Patrol

☐ SD/PA

☐ Other

REMARKS

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA

CA 03600

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CASE NO.

141302397 H 2013-056

REPORT AREA

YC106

SECTION PC 69		CRIME Resist Obstruct Officer by Force		CLASSIFICATION Felony - Knife	
VICTIM'S NAME - LAST NAME		FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)	
Deputy Joseph Perea		And	Deputy Ismael Diaz		
ADDRESS		RESIDENCE			PHONE

HOSPITAL RESPONSE: FACTOR, MERLIN (continued)

5/5

TRANSPORT:

At about 1932 hours, [REDACTED], of [REDACTED], arrived at the hospital. Toe Tag Number 30960 was placed on Factor's right great toe. At about 2022 hours, Factor was placed inside a yellow body bag and secured inside with bag with lock 4795436.

We cleared the hospital at 2030 hours.

REPORTING OFFICER Detective Ryan Ford, [REDACTED]	DATE 063013	REVIEWER [Signature]	TYPED BY ref	ROUTED BY	DATE
SR ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.		<input type="checkbox"/> Other <input type="checkbox"/> SD/PD <input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol		
REMARKS					

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA

CA 03600

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CASE NO.

141302397 H 2013-056

REPORT AREA

YC106

SECTION
PL 69

CRIME
Resist Obstruct Officer by Force

CLASSIFICATION
Felony - Knife

VICTIM'S NAME - LAST NAME

FIRST NAME

MIDDLE NAME

(FIRM NAME IF BUSINESS)

Deputy Joseph Perea

And

Deputy Ismael Diaz

ADDRESS

RESIDENCE

PHONE

AMERICAN MEDICAL RESPONSE:

On Saturday, 06/29/13, at about 1830 hours, Paramedic [REDACTED] told me he responded to scene and cared for Factor. [REDACTED] observed a black handled knife beside Factor's right flank. [REDACTED] had to leave the ER prior to being interviewed. We made arrangements to meet for an interview later in the evening.

On Saturday, 06/29/2013, at about 2045 hours, I talked with [REDACTED] at the AMR Station on Iowa Avenue in Redlands. The following is a summary of what he told me.

[REDACTED] is employed as a paramedic with American Medical Response Ambulance Service, stationed in Yucaipa. [REDACTED] was working on 06/29/2013 as Ambulance [REDACTED]. At about 1801 hours, [REDACTED] was dispatched to a shooting at 3rd Street and Yucaipa Blvd. [REDACTED] arrived at about 1801 hours. [REDACTED] arrived to find Merlin Factor, lying supine, in the parking lot of a church. A deputy was performing cardio pulmonary resuscitation on Factor. [REDACTED] observed numerous fired cartridge casings on the pavement as he approached the scene. [REDACTED] saw a black folding knife on the ground. The knife was about a foot and a half from Factor's left foot, towards the front right tire of the suspect's vehicle. The blade on the knife was closed. [REDACTED] assumed medical care for Factor. [REDACTED] transported Factor to the Redland's Community Hospital for advanced life support. [REDACTED] documented his treatment attempts under AMR report 4273698.

[REDACTED] provided me with a copy of his medical treatment record. Gregory did not have any further information to add at this time.

REPORTING OFFICER
Detective Ryan Ford, [REDACTED]

DATE
063013

REVIEWED BY
[REDACTED]

TYPED BY
ref

ROUTED BY

DATE

ACTION:

☐ YES ☐ NO

COPIES TO:

☐ Detective

☐ Dist. Atty.

☐ Other

☐ CII

☐ Patrol

☐ SD/PP

☐ Other

REMARKS

Detailed History for Police Inc# #YC131800085 As of 6/30/2013 12:22:09

Output for: 10430

Priority:E Type:207 - KIDNAPPING J/O
 Location:YUCAIPA BLVD / 3RD ST,YUC <34500/12099>
 Map:649 3J

Created:	06/29/2013 16:28:24	EC23
Entered:	06/29/2013 16:30:47	EC23
Dispatch:	06/29/2013 16:36:48	EC03
Enroute:	06/29/2013 16:36:48	EC03
Onscene:	06/29/2013 16:36:48	EC03
Control:	06/29/2013 18:51:25	EC10
Transprt:	06/29/2013 16:57:35	EC03
Complete:	06/29/2013 17:00:08	EC03
Closed:	06/30/2013 03:46:16	EC01

IC: PrimeUnit:42A75 Dispo:RTF Type:207 - KIDNAPPING J/O
 Jur:YC Group:YC Squad Area:YC1 RptDist:YC106
 Case #:YCR1302397 Detail

16:28:24 CREATE Location:YUCAIPA BLVD / 3RD ST,YUC Type:UNKPRO Inf/Name:VERIZON WIRELESS
 4 InfAdd:35022 AVENUE B,YUC Phone Source:W911 Group:YC
 RD:YC106 TypeDesc:UNK PROBLEM LocDesc: <34500/12099> Priority:1 Response:1PAT
 Jur:YC Map:649 3J LocType:H RPCont:Anonymous

16:28:24 ALI E911Phne: E911Pilot: E911Add:35022 AVENUE B,YUC
 E911Subs:VERIZON WIRELESS 4 E911Srce:W911 Tower:VZW AliLong:-
 117.040572 AliLatitude:34.03229700 Uncertainty:707 Confidence:100

16:28:24 ALIGEO GeoLong:-117.040572 GeoLat:34.03229700

16:28:24 ALIGEO GeoLong:-117.040572 GeoLat:34.03229700 ClosestAdd:12191 1ST ClosestInt:1ST / AVENUE B
 InterDesc:227 ft NE Area1:YC210

16:30:47 ENTRY Inf/Name:VERIZON WIRELESS -->VERIZON WIRELESS 4
 Text:FEM ON THE LINE REQ A UNIT TO HURRY TO YUC AND 3RD AND
 DISCONNECTED. WILL ATTEMPT CB POSS RELATED TO .YC73

16:30:47 -PREMIS Text:PPR

16:31:11 XREF Service:P Inc#:#YC131800083 Type:415 Jur:YC

16:31:46 INFO Text:ON CB CALL WENT TO VM.

16:31:46 ALI E911Phne: E911Pilot: E911Add:35022 AVENUE B,YUC
 E911Subs:VERIZON WIRELESS 4 E911Srce:W911 AliLong:-117.040572
 AliLatitude:34.03229700 Confidence:100

16:32:05 XREF Service:P Inc#:#YC131800073 Type:594 Jur:YC

16:33:46 MISC Text:AIRED TO 14P32, ENRT FRM 3RD/AVE H

16:33:48 NOMORE

16:34:16 HOLD

16:36:29 COMBIN Service:P Inc#:#YC131800083 Type:415 Jur:YC

16:36:48 DISPOS 14P32 Operator OperNames:DIAZ,ISMAEL,YC

16:36:48 DISPOS 14P31 Operator OperNames:PEREA,JOSEPH,YC

16:36:48 -PRIU 14P32

16:36:59 MISC 14P31 Text:NO FD'S NO ONE IN THE AREA

16:37:37 *ASSIST 14P31 CalSgn:14P32 Operator OperNames:ROMERO,TONY,YC

16:38:45 MISC 14P31 Text:SHOTSF SUBJ REACHING FOR GUN IN WAIST BAND

16:38:54 MISC 14P31 Text:FIRST BAPTIST CHURCH

16:39:13 ONSCN 14P21
 16:39:16 MISC 14P31 Text:C33
 16:39:27 CLOS 14P31
 16:39:31 ASSIST 14W1 CalSgn:14P31 Operator [REDACTED] OperNames:TAYLOR,DARRIN,YC
 16:40:07 CLOS 14P31 Location:FIRST BAPTIST CHURCH ON BLVD
 16:40:25 MISC 14P31 Text:CAL FIRE ADV'D AND ROLLING IN
 16:41:04 MISC 14P32 Text:NEED UNITS TO 3RD AND THE BLVD TO GET WITNESS STATEMENTS YELLOW TAPE NEEDED
 16:41:44 ASSIST 40K2 CalSgn:14P32 Operator [REDACTED] OperNames:HOAG,ROBERT,AV BORGERD,DAVID,AV
 16:42:21 ASSIST 4V5 CalSgn:14P32
 16:42:34 BACKOS 14A21 CalSgn:14P32 Operator [REDACTED] OperNames:CAHILL,TANYA,YC
 16:43:04 BACKOS 14MET1 CalSgn:14P32 Operator [REDACTED] OperNames:EVERSOLE,SHERRY,YC RICE,DANNY,YC
 16:43:39 MISC 14MET1 Text:CPR IS IN PROGRESS, FIRE NOT 97; ALL SUSP IN CUSTODY
 16:43:57 BACKOS 14S4 CalSgn:14P32 Operator [REDACTED] OperNames:GONZALEZ,FEDERICO,YC
 16:44:02 MISC 14MET1 Text:AMR 97
 16:44:26 CONTCT 14P32 4V5 14A21 14MET1 14P21 14P31 14S4 14W1 40K2
 16:45:12 BACKOS 4P21 CalSgn:14P32 Operator [REDACTED] OperNames:PLACENCIA,MIGUEL,YC
 16:46:15 MISC 4P21 Text:NEED 4V5 W/B TRAFFIC ON YC BLVD AT 2ND AND DIVERT TRAFFIC N/B ON 2ND
 16:46:22 CHGLOC 4V5 Location:YUCAIPA BLVD / 2ND ST,YUC
 16:47:09 *ASSIST 4P5 CalSgn:14P21 Operator [REDACTED] OperNames:FRANKLIN,PAUL,YC
 16:48:06 MISC 14S4 Text:NEED PHOTO'S BEFORE TRANSPORT
 16:48:41 MISC 14S4 Text:ALL UNITS WILL BE C4
 16:51:27 CLOS 4P5 Location:NORTH SIDE OF CHURCH
 16:51:35 MISC 14S4 Text:NOTIFY HOMICIDE AND MAKE NOTIFICATIONS; 14L ADV'D
 16:51:38 ASSIST 14L1 CalSgn:14S4
 16:52:10 MISC 14S4 Text:HOMICIDE/DET AVILA NOTIFIED, WILL 21 THE SAM
 16:53:23 CHGLOC 14MET1 Location:19 Text:W/INV'D DEP
 16:53:37 CLOS 4P5 Location:NORTH SIDE OF CHURCH
 16:53:58 ONSCN 40K2
 16:54:45 CONTCT 14P32 4V5 4P5 4P21 14A21 14L1 14MET1 14P21 14P31 14S4
 16:54:45 CONTCT 14W1 40K2
 16:55:23 MISC 14S4 Text:CRIME LAB/DET DECOUD NOTIFIED, WILL 21 DET AVILA
 16:57:11 MISC 14S4 Text:CIVIL LIAB/INV CLEMMER NOTIFIED, WILL 21 THE SAM
 16:57:35 TRANSP 14P21 Location:19 Mileage:0.0 Text:FEM VICT
 16:58:47 ASSIST 14C CalSgn:14S4
 16:59:41 MISC 14S4 Text:START COUNSELING TEAM TO STATION
 17:00:08 CMPLT 14P21 Mileage:1.1
 17:04:16 MISC 14S4 Text:COUNSELING TEAM ADV'D AND ADV'D TO RESPOND TO THE YC STN. ETA WILL BE AN HOUR TO AN HOUR AND HALF TO STATION
 17:04:17 BACKOS 14X10 CalSgn:14S4 Operator [REDACTED] OperNames:LUGO,ERIC,YC
 17:04:31 MISC 14X10 Text:UTL ANY WITNESSES AT THE CAR WASH NEAR INC
 17:05:41 *ONSCN 14W1
 17:05:41 *ONSCN 14W1
 17:06:30 ONSCN 14L1
 17:06:59 MISC 14S4 Text:PEER SUPPORT/LT BECTEL ADV'D
 17:07:19 MISC 14S4 Text:WILL SET DOWN AT YC BLVD TO PU 14A21 FOR PHOTOS
 17:07:51 BACKOS 14S8 CalSgn:14S4 Operator [REDACTED] OperNames:OBRIEN,MICHAEL,YC
 17:12:46 MISC 14S4 Text:SUBJ TRANSPORTED TO REDLANDS COMMUNITY
 17:15:44 ONSCN 14C
 17:17:29 MISC 14S4 Text:A+ SENT OUT
 17:18:58 CHGLOC 14MET1 Location:REDLANDS COMMUNITY
 17:19:32 CLEAR 40K2

17:20:28 BACKOS 14S6 CalSgn:14S4 Location:19
 17:20:51 *CLEAR 4P21
 17:23:52 ASSIST 4P21 CalSgn:14A21 Operator: OperNames:PLACENCIA,MIGUEL,YC
 17:23:55 CHGLOC 4P21 Location:
 17:26:02 ASSIST 60H17 CalSgn:14S4 Location:REDLANDS COMMUNITY Operator: OperNames:FORD,RYAN,SID
 17:26:04 MISC 14MET1 Text:FEM VIC :
 17:26:12 CLOS 14MET1 Location:19
 17:26:25 MISC 14S4 Text:C33 LIFTED
 17:27:17 RFT 14MET1 Text:INQUIRY
 17:27:53 MISC 14MET1 Text:MALE SUSP: FACTOR, MERLIN 06181987
 17:28:18 ONSCN 4P21
 17:28:23 RFT 14MET1 Text:INQUIRY SNS,FACTOR,MERLIN,,M,06/18/1987,,,X,X,X,X,,,,,
 17:28:33 RFT 14MET1 Text:INQUIRY SNS,FACTOR,MERLIN,,M,06/18/1987,,,X,X,X,X,,,,,
 17:29:04 CLOS 14P31 Location:19
 17:29:18 *CLEAR 4P5
 17:29:25 LOGM 14MET1 Message:021306300029000124 MessageType:HTML Received:06/29/2013 17:28:34
 Text:SNS WARR FACTOR
 17:29:44 XREF Service:P Inc#:#C0131800034 Type:CORDB Jur:COR Text:RELATED
 17:29:44 RFT 14MET1 Text:INQUIRY CDL,X
 17:30:05 LOGM 14MET1 Message:021306300030000129 MessageType:Text Received:06/29/2013 17:29:49
 Text:WPS WARR FACTOR
 17:30:27 LOGM 14MET1 Message:021306300030000131 MessageType:Text Received:06/29/2013 17:30:19
 Text:DL FACTOR
 17:30:49 LOGM 14MET1 Message:021306300030000135 MessageType:Text Received:06/29/2013 17:27:18
 Text:DL
 17:37:33 CLEAR 14N10
 17:39:55 MISC 14S4 Text:FIRE ADV'D THAT SUSP WAS PRONOUNCED AT REDLANDS COMMUNITY ER
 17:43:08 CONTCT 14P32 4V5 14C 4P21 14A21 14L1 14MET1 14P21 14P31 14S4
 17:43:08 CONTCT 14S6 14S8 14W1 60H17
 17:46:19 COMBIN Service:P Inc#:#YC131800073 Type:594 Jur:YC Text:RELATED PER 14S6
 17:47:14 LOGM 4P21 Message:021306300047000206 MessageType:HTML Received:06/29/2013 17:46:11
 Text:PRIOR CALLS TO
 17:48:33 RFT 4P21 Text:INQUIRY SNS,
 17:49:04 LOGM 4P21 Message:021306300049000219 MessageType:Text Received:06/29/2013 17:48:37 Text:EXP DL
 17:49:10 LOGM 4P21 Message:021306300049000220 MessageType:HTML Received:06/29/2013 17:48:34
 Text:31/
 17:56:39 ASSIST 42A75 CalSgn:60H17 Location:REDLANDS COMMUNITY Operator: OperNames:LYNDES,JUSTIN,SID
 17:56:46 CHGLOC 42A75
 17:59:54 MISC 14S6 Text:PER INTAKE MALE SUBJ CALLED ADV'G HE WITNESSED SHOOTING AND WANTED TO GIVE A STATEMENT, REFUSED TO GIVE INFO AND HU; AIRED TO 14S6; 14S6 ADV'G UTL SUBJ OUTSIDE OF STN
 18:00:11 CONTCT 14P32 4V5 14C 4P21 14A21 14L1 14MET1 14P21 14P31 14S4 Contact:60
 18:00:11 CONTCT 14S6 14S8 14W1 42A75 60H17 Contact:60
 18:02:33 ASSIST 42A84 CalSgn:60H17 Location:REDLANDS COMMUNITY Operator: OperNames:FOSTORE,CAROL,SID
 18:04:56 TRANSP 4P21 Location:19 Mileage:264 Text:W/WITNESS AND JUV XRAY
 18:05:59 ASSIST 60S4 CalSgn:14S4 Operator: OperNames:NEWPORT,TREVIS,SP
 18:09:08 BACKOS 106 CalSgn:14S4 Operator: OperNames:WILLIAMS,DAVID,HI
 18:09:20 CMPLT 4P21 Mileage:266
 18:11:29 *CLEAR 14W1
 18:17:00 ONSCN 60H17

18:20:07 ASSIST 60113 CalSgn:60S4
 18:20:07 ASSIST 60114 CalSgn:60S4
 18:20:07 ASSIST 60115 CalSgn:60S4
 18:20:07 ASSIST 60118 CalSgn:60S4
 18:20:41 ONSCN 42A75
 18:25:09 ONSCN 60S4
 18:37:27 RFT 14M111 Text:INQUIRY SNS,FACTOR ,MERLIN,,M,06181987,,,,X,X,X,X,,,,,
 18:51:25 OK 14A21 14S4
 18:57:14 CLEAR 14P21
 18:58:07 CLOS 14A21 Location: [REDACTED]
 18:58:11 OK 14A21
 18:59:03 *CLEAR 14S4
 19:02:27 *CLEAR 14S6
 19:29:39 MISC Text:MALE CALLED IN, ADVD HE WAS AT THE STN AND WANTED TO GIVE A
 STATEMENT REF THE OIS, WHEN ATTEMPT'D TO GET MALES INFO HE BECAME
 415V AND HU, NO INFO NO CB FOR MALE
 19:39:07 CHANGE 60113 Type:UNKPRO-->207 Priority:1-->E CAS:0326 TypeDesc:UNK PROBLEM--
 >KIDNAPPING J/O
 19:39:07 CASE 60113 Case#:YCR1302397
 19:59:33 PRMPT 4A5
 20:06:26 *CLEAR 14M111
 20:11:24 CLOS 4P21
 20:11:44 CLOS 4P21 Location: [REDACTED]
 20:24:10 CLEAR 14A21
 20:39:57 ONSCN 42A84
 20:40:05 CHGLOC 42A84 Location:YUCAIPA STATION,YUC
 20:52:38 MISC Text:***** RP, [REDACTED] WANTS A DEP TO CALL HER BACK @ [REDACTED]
 [REDACTED] WANTS TO KNOW IF IT IS HER BROTHER, MERLIN FACTOR THAT WAS
 INVOLVED *****
 21:00:59 ONSCN 42A84
 21:16:16 OK 14P32 14C 4P21 1411 14P31 14S8 42A75 42A84 60113 60114
 21:16:16 OK 60115 60117 60118 60S4 106
 21:23:20 CHGLOC 60117 Location:YUCAIPA STATION,YUC
 21:58:10 CONTCT 14P32 14C 4P21 1411 14P31 14S8 42A75 42A84 60113 60114 Contact:00
 21:58:10 CONTCT 60115 60117 60118 60S4 106 Contact:00
 23:31:02 *CLEAR 4P21
 23:37:00 LOGM Message:021306300637002014 MessageType:HTML Received:06/29/2013 23:32:19
 Text:PRIORS AT [REDACTED]
 [06/30/2013]
 00:01:10 SCDOFF 14S8
 00:07:41 CLEAR 14S8
 01:40:43 SCDOFF 60117
 01:40:45 CLEAR 60117
 02:35:04 SCDOFF 14C
 02:35:13 SCDOFF 1411
 02:35:34 SCDOFF 14P31
 02:35:38 SCDOFF 14P32
 02:35:40 SCDOFF 106
 02:36:22 PRMPT 14P32 14C 1411 14P31 106
 02:36:22 -PRIU 42A75
 03:00:31 SCDOFF 42A84
 03:00:34 PRMPT 42A84
 03:08:13 CLEAR 60S4
 03:19:28 MISC Text:FIRE ENRT FOR CLEAN UP
 03:31:38 MISC Text:FIRE 97

03:45:53 CLEAR 601114 Dispo:RTF DispoLevel:10 Text:PER 60H ALL UNITS ARE CLEAR THE CALL
03:46:04 PRMPT 42 A75
03:46:16 PRMPT 601113 601115 601118
03:46:16 -CLOSE

CONTACT INFO:

Inf/Name	Phone	InfAdd	RPCont	Language	HBD/HS	RPArmed
VERIZON WIRELESS [REDACTED] [REDACTED] 4	[REDACTED]	35022 AVENUE B,YUC	Anonymous			

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.

141302397

H-2013-056

REPORT AREA

SECTION P.C. 69		CRIME Resist/Obstruct Officer with Force	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS			PHONE

WITNESS STATEMENT: [REDACTED]

On June 29, 2013, at approximately 2024 hours, I interviewed [REDACTED] alone in an interview room at the Yucaipa Sheriff's station. The following is a summary of [REDACTED] recorded statement.


[REDACTED] lived in Yucaipa with her boyfriend, [REDACTED], and [REDACTED] was unemployed [REDACTED] but [REDACTED] worked for [REDACTED] and [REDACTED] had been in an intimate, on and off, relationship for the last five years.

Approximately two months ago, [REDACTED] dated a person named, Merlin Factor, for two or three weeks during a separation from [REDACTED] met Merlin through her cousin. [REDACTED] and Merlin dated for a few weeks because of Merlin's methamphetamine addiction. The meth caused Merlin to be high strung and suffer from severe mood swings. One minute he would be angry and cussing the next he would be crying.

Merlin was very paranoid and questioned [REDACTED] every time she answered a phone call. Merlin thought [REDACTED] was, "setting him up." Merlin had numerous arrest warrants and according to [REDACTED] Merlin stole from a large group of people and made many enemies.

In addition to the mood swings, Merlin would burglarize [REDACTED] home and steal her belongings. During the two weeks they were together, Merlin stole [REDACTED] ATM card, two cell phones, a laptop computer, prescription medication, and 40 dollars. [REDACTED] claimed Merlin sold the stolen items and used the proceeds to purchase methamphetamine.

Merlin also physically abused [REDACTED] during and after their relationship. During the first week of June 2013, unknown day, Merlin and [REDACTED] argued because Merlin thought [REDACTED] was "talking" to one of Merlin's friends. [REDACTED] told Merlin to leave her house and closed the bathroom door on him. Merlin forced himself into the bathroom and punched a hole in the wall before he punched [REDACTED] in the face. [REDACTED] had a black eye for a week after the assault, but she did not notify the police.

REPORTING OFFICER Det. Gerald Davenport [REDACTED]	DATE 6/20/13	REVIEWED BY 	TYPED BY	ROUTED BY	DATE
FURTHER ACTION: <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol		REMARKS	

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.

141302397

H-2013-056

REPORT AREA

SECTION 69		CRIME Resist/Obstruct Officer with Force	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME Diaz		FIRST NAME Ismael	MIDDLE NAME
ADDRESS 		RESIDENCE 	PHONE


WITNESS STATEMENT CONTINUED: [REDACTED]

Two days ago, [REDACTED] woke and noticed Merlin let himself into her house and was sitting on her bed watching her. [REDACTED] believed Merlin gained entry into a rear door, which she left unlocked. [REDACTED] yelled at Merlin to get out of her house, but he refused and grabbed her by the back of the arms and threw her up against the wall. Merlin then grabbed [REDACTED] hair and threw her face first on the ground. [REDACTED] nose hit the ground and began to bleed as Merlin punched her in the back of the head and face. [REDACTED] ran out of the house to seek help from a neighbor as Merlin sat on top of [REDACTED] and punched her in the face and kicked her in the legs and arms.

[REDACTED] showed me several bruises on her legs and arms. The bruises were different sizes, from small to large and were deep purple in color. Investigators photographed [REDACTED] injuries, which have been included in the report for review. [REDACTED] called the Yucaipa Sheriff's station and reported the incident.

[REDACTED] was afraid of Merlin because of his mood swings and his physical violence toward her. [REDACTED] claimed Merlin knew [REDACTED] worked nights and he would threaten to come to her house, wait in the driveway for [REDACTED] to come home and assault him. Merlin would often stand outside [REDACTED] window and send her hundreds of text messages on a nightly basis calling her a "cum guzzling whore," and other obscenities. Merlin had let the air out of [REDACTED] tires, damaged the siding on her residence by throwing rocks at her house, and ripped out [REDACTED] mailbox and threw it in the ditch adjacent to [REDACTED] residence. [REDACTED] frustration grew every time Merlin damaged her home or car and failed to be held accountable for his crimes.

On June 29, 2013, [REDACTED] and [REDACTED] arrived home around 0300 hours, and slept until 1200 to 1400 hours. At 1415 hours, [REDACTED] heard a knock on the front door. [REDACTED] who was in the living room with [REDACTED] looked out the front window and saw [REDACTED] ex-boyfriend, Merlin Factor, at the front door. [REDACTED] walked to the bedroom and told [REDACTED] Merlin was at the front door.

REPORTING OFFICER Det. Gerald Davenport [REDACTED]	DATE 6/29/13	REVIEWED BY 	TYPED BY	ROUTED BY	DATE
FURTHER ACTION: <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Patrol <input type="checkbox"/> Other <input type="checkbox"/> SD/PD <input type="checkbox"/> Other		REMARKS		

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600

CASE NO.

141302397
H-2013-056
REPORT AREA

SECTION r.c. 69		CRIME Resist/Obstruct Officer with Force	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE	

WITNESS STATEMENT CONTINUED: [REDACTED]

[REDACTED] came to the front door and told Merlin he was not supposed to be in the mobile home complex and he needed to leave. The park manager forbade Merlin from visiting the neighborhood because of his assault on [REDACTED] two days ago. [REDACTED] told Merlin if he did not leave she would call the police. Merlin wore a white t-shirt and black Dickies, but [REDACTED] was unsure if the Dickies were pants or shorts. Merlin usually wore shorts, not pants.

Merlin told [REDACTED] he wanted his shorts and that [REDACTED] owed him money. Merlin claimed [REDACTED] owed him money because [REDACTED] ruined his life. [REDACTED] told Merlin his clothes were in a trash bag on the porch, but she was not going to give him any money. As Merlin backed away from the door, [REDACTED] told Merlin he was calling the police. Merlin got upset, and threw a Bic lighter at [REDACTED] front window. When the lighter failed to break the glass, Merlin picked up a large boulder from the front planter and threw it through the window. As Merlin fled, he laughed at [REDACTED] and [REDACTED] and claimed the police would never catch him.

Approximately three minutes after Merlin left, he called [REDACTED] from a private number. [REDACTED] heard a television in the background and knew he was at someone's house. [REDACTED] knew Merlin used someone else's phone because his could only be used to send and receive text messages, not telephone calls.

Merlin immediately asked [REDACTED] for a ride to Calimesa. [REDACTED] told me Merlin sounded very casual on the phone and acted as if nothing had happened. [REDACTED] asked Merlin why she would give him a ride anywhere, other than the police or train station when he just threw a rock through her window. Merlin denied throwing a rock through the window and stated, "I don't know what you are talking about." Merlin asked [REDACTED] if she called the police, before he asked again for a ride. [REDACTED] did not entertain the conversation and hung up on Merlin.

Approximately one minute later, Merlin called again and [REDACTED] recorded the conversation. Merlin asked [REDACTED] a second time for a ride and again denied throwing the rock through her window. [REDACTED] formulated a plan to have Merlin arrested and agreed to give him a ride. Merlin told [REDACTED] to meet him at the adult continuation school on Third Street between

REPORTING OFFICER Det. Gerald Davenport [REDACTED]	DATE 6/29/13	REVIEWED BY [Signature]	TYPED BY	ROUTED BY	DATE
FURTHER ACTION: <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.		<input type="checkbox"/> Other <input type="checkbox"/> SD/PD <input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol	REMARKS	

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VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS			PHONE

WITNESS STATEMENT CONTINUED:

Avenue E and Wildwood Canyon Road. Once [REDACTED] hung up with Merlin, she told [REDACTED] to call the police and inform them, she would be driving with Merlin down Third Street, toward Calimesa and to pull them over. [REDACTED] wanted the police to find her, conduct a traffic stop and arrest Merlin for his warrants. [REDACTED] asked [REDACTED] not to pick Merlin up and to wait for police to arrive at her house. [REDACTED] refused and told [REDACTED] her plan was the only way to ensure Merlin would go to jail.

Merlin called [REDACTED] every two minutes to see if she had left her house. [REDACTED] left her residence at approximately 1430 hours. [REDACTED] arrived at the adult continuation school, but Merlin was not there. [REDACTED] received a call from Merlin asking where she was. [REDACTED] told Merlin she was at the adult continuation school, but he was not there. Merlin told [REDACTED] he wanted to make sure she came alone and directed her to drive to Fourth Street.

[REDACTED] drove to Fourth Street and Wildwood Canyon Road, but she did not see Merlin. [REDACTED] called [REDACTED] and told him Merlin failed to show. While on the phone with [REDACTED] noticed Merlin walking toward her car. When Merlin entered the car, he yelled at [REDACTED] and questioned her about her phone call. When [REDACTED] told Merlin she was talking to [REDACTED] he stated, "Fuck [REDACTED] Merlin was afraid [REDACTED] was on the phone with police and told her to take the sim card out of the phone so the police could not track them with GPS. [REDACTED] took the sim card and battery out of the phone to appease Merlin.

Merlin yelled at [REDACTED] about money and repeatedly demanded money from her. Merlin claimed he owed someone named Randy money and because [REDACTED] ruined his life, she needed to pay Merlin's debt. Merlin yelled obscenities at [REDACTED] and called her names. [REDACTED] felt threatened and agreed to provide Merlin with money. Merlin told [REDACTED] to use the ATM at the Mexican market, but she refused and told him she was going to the Walgreens on Yucaipa Boulevard to buy something to drink and cigarettes.

[REDACTED] arrived at the Walgreens on Yucaipa Boulevard and Fourth Street at approximately 1445 hours. [REDACTED] intended on causing a scene at the Walgreens; but when she parked her vehicle she realized there was no one in the parking lot. [REDACTED] started an argument with

REPORTING OFFICER Det. Gerald Davenport [REDACTED]	DATE 6/29/13	REVIEWED BY [REDACTED]	TYPED BY	ROUTED BY	DATE
FURTHER ACTION: <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Disl. Atty.		<input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol	REMARKS	

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E SECTION P.C. 69		CRIME Resist/Obstruct Officer with Force	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS			PHONE

WITNESS STATEMENT CONTINUED: [REDACTED]

Merlin inside the Walgreens. [REDACTED] wanted the employees to call 911, so she argued with Merlin as loud as she could, but the police were not called. Merlin threw a fit and left the store and [REDACTED] walked to the drink area and purchased a Gatorade. As [REDACTED] walked outside, she saw a man in the parking lot and asked him twice to call 911, but he just looked at her and smiled.

[REDACTED] and Merlin left the Walgreens, turned right on Yucaipa Boulevard and drove toward Third Street. Merlin continued to yell and cuss at [REDACTED]. Merlin threatened [REDACTED] that if she did not give him the money he wanted, he would steal things from her house. As [REDACTED] drove toward Third Street, she saw a police car turn on Fourth Street.

After they left Walgreens, Merlin complained that [REDACTED] did not get him something to drink. Merlin threw a fit and became enraged when [REDACTED] told him she would not buy him anything to drink. To appease Merlin, [REDACTED] agreed to buy him a drink at the USA gas station on Yucaipa Boulevard. [REDACTED] arrived at the USA gas station at approximately 1500 hours. [REDACTED] parked at the pump nearest the street so police could see her car. [REDACTED] told Merlin to get out of her car and she could care less what he wanted. Merlin and [REDACTED] argued so loud that it attracted the attention of the gas station patrons. When the unknown patrons approached the car to ask [REDACTED] if [REDACTED] was all right, Merlin got out of the car and walked across Yucaipa Boulevard.

As Merlin left the car, he told [REDACTED] that if she thought a rock through her window was bad enough, he was going to get his friends to burn down her house. Merlin left [REDACTED] and walked across Yucaipa Boulevard, toward Third Street and toward [REDACTED] residence. After Merlin left the car, [REDACTED] asked the gas station patrons, unknown names, to call 911 and tell police Merlin Factor was with her, he had warrants, and she was driving him down Yucaipa Boulevard.

[REDACTED] drove across Yucaipa Boulevard to where Merlin walked and told him to get into the car. [REDACTED] persuaded Merlin to get back into her car by telling him there were police on

REPORTING OFFICER Det. Gerald Davenport [REDACTED]	DATE 6/29/13	REVIEWED BY [Signature]	TYPED BY	ROUTED BY	DATE
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ADDRESS	RESIDENCE	PHONE	

WITNESS STATEMENT CONTINUED: [REDACTED]

Third Street. When Merlin entered [REDACTED] car, he yelled at her that he was thirsty so she took him to the Del Taco on Yucaipa Boulevard between Second and Third Streets.

Merlin was inside the Del Taco for approximately two or three minutes. During Merlin's absence, [REDACTED] put her phone back together and attempted to call [REDACTED] twice, but he did not answer. When Merlin came out of the Del Taco, he continued to call [REDACTED] names and [REDACTED] told him, "fuck you" as she drove away from him. Merlin walked down one driveway from the Del Taco and [REDACTED] called 911.

[REDACTED] told the 911 dispatcher who she was and that she was with Merlin Factor. [REDACTED] told the dispatcher Merlin had warrants for his arrest and she was driving down Yucaipa Boulevard. As [REDACTED] spoke to the dispatcher, Merlin approached her vehicle. [REDACTED] hid the phone under her leg, which disconnected the call.

Merlin got back into [REDACTED] car and they began to argue again and Merlin yelled insults at [REDACTED]. [REDACTED] told Merlin she was not going anywhere until he stopped insulting her. While sitting in the driveway, [REDACTED] noticed a police car drive east on Yucaipa Boulevard, toward Second Street. [REDACTED] pulled out of the driveway and drove west on Yucaipa Boulevard, toward Third Street, hoping the police officer would turn and get behind her vehicle. As [REDACTED] approached the Baptist church parking lot, east of Third Street, Merlin told her, "Careful, people get killed for not paying up."

Merlin and [REDACTED] saw the police car turn around and get behind them. Merlin panicked and told [REDACTED] "Shit, go, go, go." [REDACTED] looked in her rear view mirror and noticed two police cars behind her with their emergency lights activated. Merlin told [REDACTED] to drive into the car wash, west of the Baptist church parking lot. [REDACTED] refused and pulled into the Baptist church parking lot. [REDACTED] did not want to pull into the car wash because it would allow Merlin an easy avenue of escape. At approximately 1530 hours, [REDACTED] pulled into the Baptist church parking lot at 34784 Yucaipa Boulevard. The parking lot was large and open and provided law enforcement with a better chance of capturing Merlin in the event he tried to flee.

REPORTING OFFICER Det. Gerald Davenport [REDACTED]	DATE 6/29/13	REVIEWED BY [Signature]	TYPED BY	ROUTED BY	DATE
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SECTION 09		CRIME Resist/Obstruct Officer with Force	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS			PHONE

WITNESS STATEMENT CONTINUED:


sat in the driver seat and Merlin in the front passenger seat. parked her vehicle in the extreme south parking stall of the Baptist church parking lot. One of the police cars parked along the passenger side and another along the driver side of car. thought both police cars were white in color, and had red and blue lights on the top of the car, and had the word, "police" marked on them. clearly saw both police cars' lights illuminated prior to her parking in the church parking lot.

Two uniformed deputy sheriffs approached vehicle from the passenger side. The only description provided of the deputies was that one had brown hair, one was heavier than the other and both wore uniforms. position in the driver's seat did not provide her with a clear view of the deputies.

When the deputies approached the car, Merlin unbuckled his seat belt and prepared himself for the police contact. Merlin sat on the edge of the seat and nervously looked around as he said, "Shit, oh shit I got police everywhere." Merlin did not say anything else as the police approached the car. thought Merlin was going to run. did not see Merlin with any weapons as the deputies approached the car. knew that Merlin carried two knives on him, but she did not see Merlin holding one when police contacted him.

told me Merlin carried two knives, a silver one and blue one. The blue knife had a three inch handle. claimed when "anything is happening" he grabs his knife and immediately opens it. Merlin carried knives for protection and told he relied on his knife because he was not the toughest guy and did not want to get his ass beat. Merlin carried his knife in his pocket or on his lap. did not see Merlin with the knife on his lap as the police approached.

Merlin's window was down and heard deputies ask Merlin for his name. Merlin gave deputies the false name of, " " was a friend of Merlin's younger brother. heard one of the deputies reply, "Oh yeah," and Merlin rudely replied, "Yeah."

REPORTING OFFICER Det. Gerald Davenport D1951	DATE 6/29/13	REVIEWED BY 	TYPED BY	ROUTED BY	DATE
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SECTION P.C. 69	CRIME Resist/Obstruct Officer with Force	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE

WITNESS STATEMENT CONTINUED: [REDACTED]

As one of the deputies, unknown which one, opened Merlin's door, [REDACTED] saw Merlin push the door open, exit the car, stand and face the deputies. The deputies attempted to turn Merlin so he faced the car and tried to pull his hands behind his back.

Merlin was not cooperative and pulled away from the deputies. [REDACTED] heard Merlin grunting before both deputies ordered Merlin to, "quit resisting, quit resisting." [REDACTED] heard Merlin say, "I'm not," in response to the deputy's order. It appeared to [REDACTED] Merlin struggled with the deputies and, "It's not just like he was going easy or anything like that." [REDACTED] noticed the deputies' struggle with Merlin to place his hands behind his back.

[REDACTED] did not see Merlin get violent with the deputies, but she did see him pull away from them. As the deputies continued to struggle with Merlin, [REDACTED] heard a deputy tell Merlin, "You're gonna get tazed or I'm gonna taze you," followed by another order to quit resisting. After the last order, [REDACTED] heard the clicking sound of what she assumed was a Tazer followed by Merlin yelling. [REDACTED] heard the "click, click, click, click" of the Tazer and saw Merlin shaking on the passenger side of the car. [REDACTED] grabbed her purse, exited the vehicle, took one step, and heard Merlin say, "I can't breathe," followed by five gunshots. [REDACTED] did not recognize the "pop" sounds as gunshots until after she heard the third one.

After the gunshots, a deputy walked around to the driver side of the car and ordered her to lie on the ground. [REDACTED] complied, was handcuffed and placed in a patrol car. [REDACTED] heard the deputies say they needed to perform CPR on Merlin and then called for an ambulance. [REDACTED] was transported the station to be interviewed.

Merlin did not kidnap [REDACTED] and it was [REDACTED] who planned to drive Merlin down Yucaipa Boulevard in the hopes law enforcement would find them and arrest Merlin. [REDACTED] was both furious and frightened during the situation. [REDACTED] was frightened because she placed herself in the situation with no guarantee police would find them and arrest Merlin. [REDACTED] did not want to be alone with Merlin in case he decided to beat her again.

REPORTING OFFICER: Det. Gerald Davenport [REDACTED]	DATE 6/29/13	REVIEWED BY [Signature]	TYPED BY	ROUTED BY	DATE
FURTHER ACTION: 3 <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.		<input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol		REMARKS

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SECTION 69		CRIME Resist/Obstruct Officer with Force	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS RESIDENCE			PHONE

WITNESS STATEMENT CONTINUED: [REDACTED]

[REDACTED] was also furious with Merlin because he continued to harass [REDACTED] and her family and was not held accountable for what he did. [REDACTED] was more concerned about Merlin destroying her house and car than any physical harm Merlin could do to her. [REDACTED] told me bruises come and go, but she did not have the money to replace items Merlin broke or damaged in her house or car. [REDACTED] knew something bad was going to happen to her house when the gas station patron offered to call 911 for her. Merlin became furious and [REDACTED] knows when he becomes that mad, he will destroy things. [REDACTED] saw Merlin walking toward her house and knew she had to pick him up because he would have destroyed her house.

[REDACTED] had never seen Merlin with guns and claimed if he had one he would sell it or pawn it to purchase drugs. There was a small silver folding knife in the car, which [REDACTED] claimed belonged to her. [REDACTED] described the knife as a Winchester knife. [REDACTED] kept the knife on the center console and when she opened the console the knife fell between the console and the driver's seat. [REDACTED] did not know why the blade of the knife was opened and exposed.

[REDACTED] did not have anything additional to add and I ended the interview.

REPORTING OFFICER Det. Gerald Davenport [REDACTED]	DATE 6/29/13	REVIEWED BY [Signature]	TYPED BY	ROUTED BY	DATE
FURTHER ACTION: NO	COPIES TO: Detective Dist. Atty.		Other CII Patrol	REMARKS	

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CASE NO.

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SECTION PC 69/245 (c)		CRIME Resisting Arrest/ ADW on a Peace Officer	CLASSIFICATION Assault / OIS
VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS RESIDENCE			PHONE

WITNESS INTERVIEW - [REDACTED]

On Tuesday, July 2, 2013, at 1523 hours, Detective Gary Hart and I spoke with [REDACTED] at her residence. I recorded the contact and a copy was kept with the case file. The following is a summary of [REDACTED] recorded statement.

The contact with [REDACTED] was to ask her if she recognized either of the two pocket knives Detective Eddie Bachman found at the scene during processing. One knife was metal and the blade was in the open position. This knife lay on the driver seat bottom. The second pocket knife was located just outside the front passenger's side door on the parking lot pavement. This knife had a black plastic handle with a silver blade, and it was in the closed position.

I showed [REDACTED] a photograph of both knives taken during the scene processing by Crime Scene Specialist Justin Lyndes. [REDACTED] recognized the metal pocket knife, which lay on the driver's seat bottom and said that knife belonged to her. [REDACTED] explained the Winchester pocket knife was inside the center console, but she and Merlin opened the center console earlier in the day. When they lifted the center console's lid, the contents emptied and the Winchester knife landed between the driver's seat and the center console.

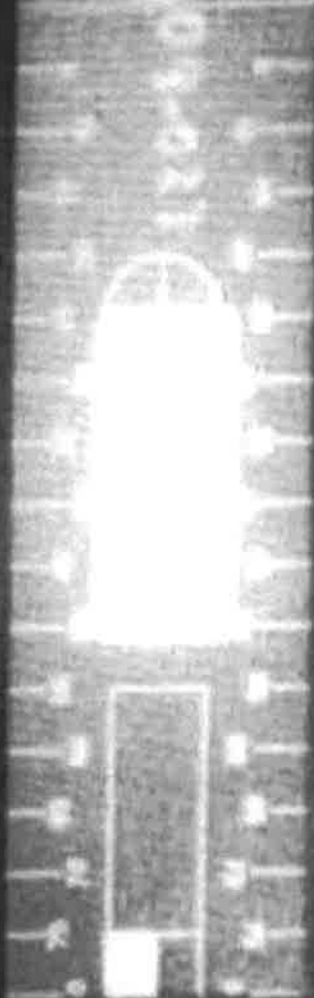
The knife did not have the blade in the open position and at the time deputies contacted her and Merlin, the knife was between the driver's seat and the center console. [REDACTED] also recognized the knife as a Winchester brand, [REDACTED] did not open or exposed the blade on the pocket knife.

I showed [REDACTED] a photograph of the knife with the black plastic handle and a silver blade in the closed position. [REDACTED] believed this knife belonged to Merlin because he always had a silver knife in his pocket. The last time [REDACTED] saw Merlin with the silver knife was one or two weeks ago. [REDACTED] did not recognize the knife as being hers or her boyfriend, [REDACTED] had nothing else to add and I ended the interview at 1533 hours.

REPORTING OFFICER Det. M. Avila [REDACTED]	DATE 7/3/13	REVIEWED BY JG	TYPED BY JB	ROUTED BY	DATE 7/25/13
FORMER ACTION L <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS		

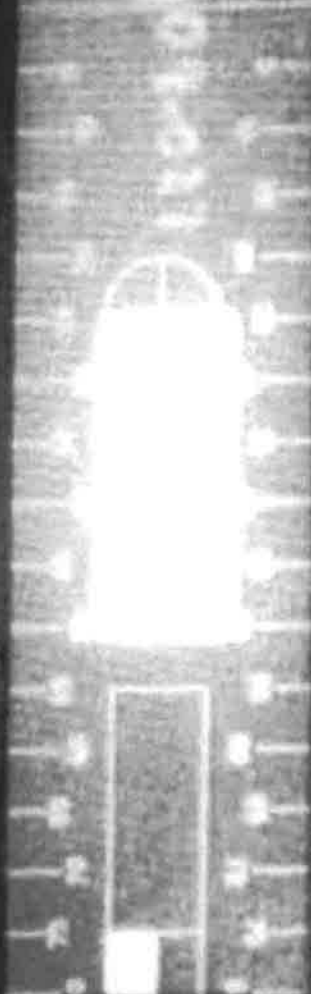


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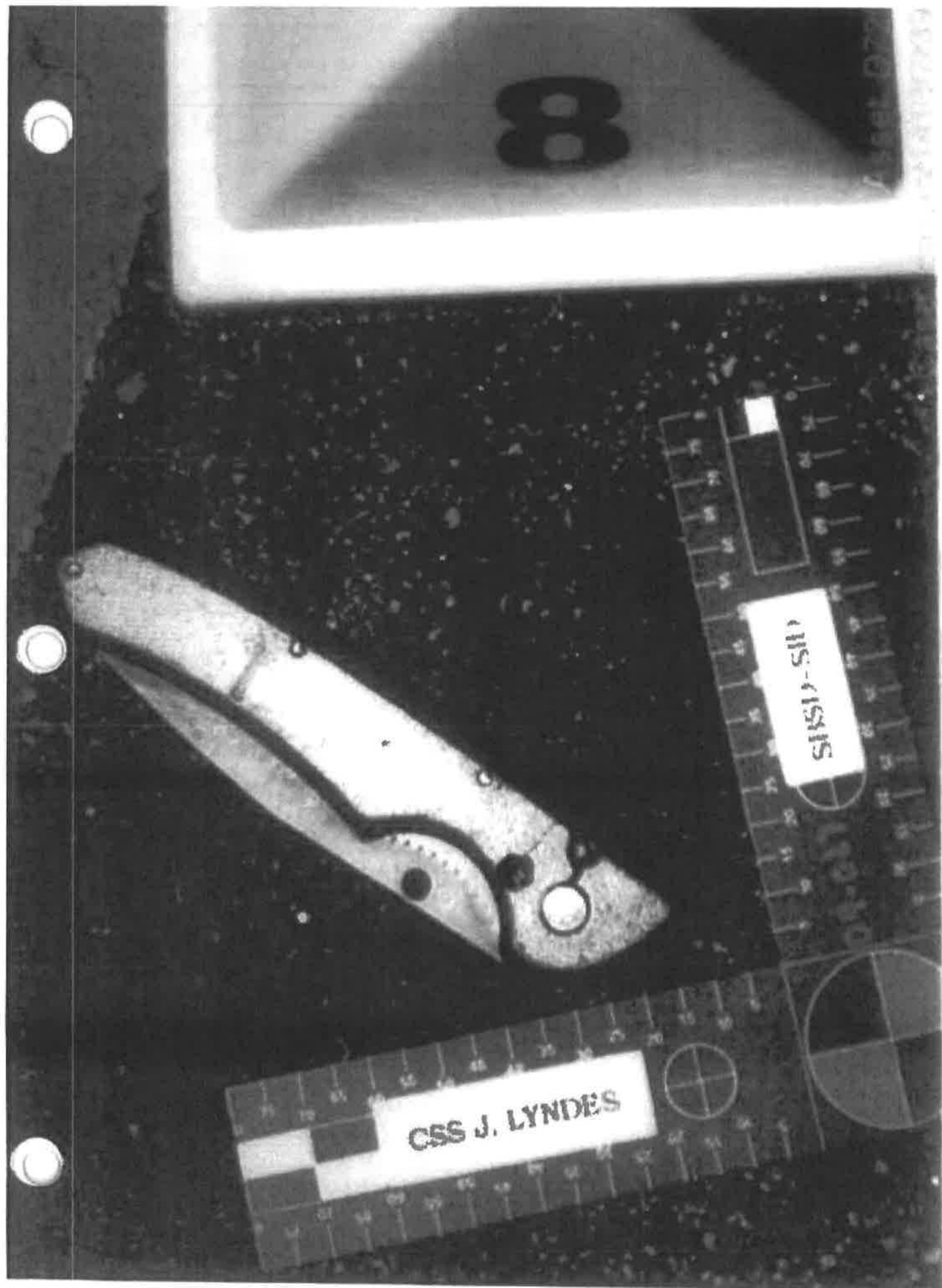
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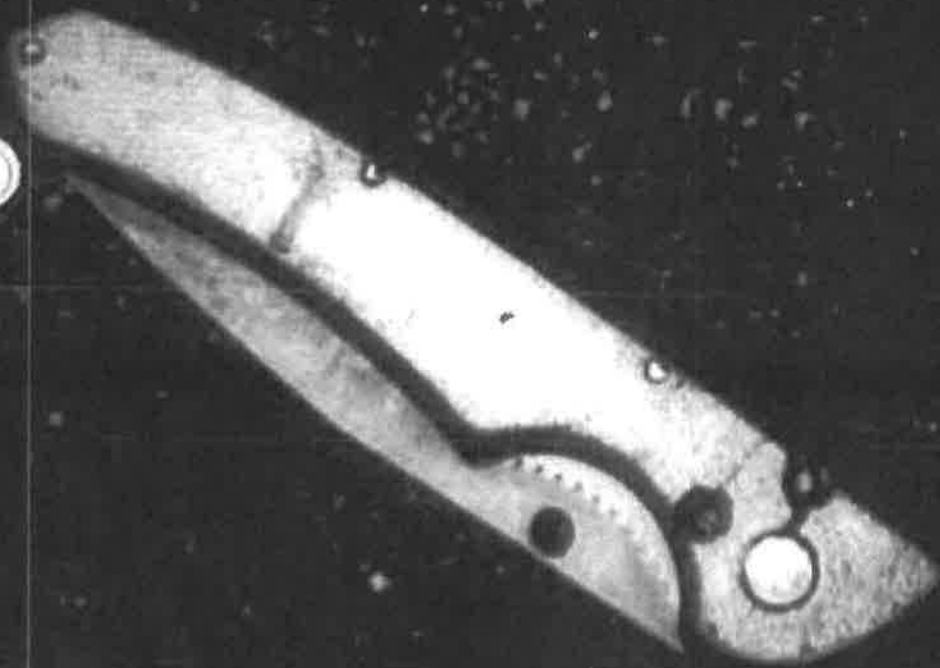
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**SHERIFF'S DEPARTMENT
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SECTION PC 245 (c)		CRIME Assault with a deadly weapon	CLASSIFICATION Felony
VICTIM'S NAME - LAST NAME Diaz, Ismael		FIRST NAME	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE

WITNESS INTERVIEW: [REDACTED]

On June 29, 2013, at 2056 hours, I interviewed [REDACTED] in the Yucaipa Sheriff's station. The following is a summary of my recorded interview with him.

[REDACTED] and [REDACTED] have been involved in a dating relationship for the past 5 years. [REDACTED] who is [REDACTED]. The three of them live together at mobile home park [REDACTED].

[REDACTED] and [REDACTED] had relationship issues in the past, which led to [REDACTED] moving out of the residence in the middle of May 2013. [REDACTED] was out of the residence for about one week.

Merlin Factor frequented the neighboring trailer to visit with a resident, [REDACTED]. Factor got to know [REDACTED] and took advantage of [REDACTED] being gone. [REDACTED] allowed Factor to stay at the house because he did not have anywhere to stay. [REDACTED] told [REDACTED] she just wanted someone at the house while he was gone, even though [REDACTED] disagreed with Factor being there. [REDACTED] knew Factor was at the house because he would call [REDACTED] to check on [REDACTED] and would hear Factor in the background.

[REDACTED] and [REDACTED] set aside their differences and [REDACTED] moved back into the residence. [REDACTED] did not like that Factor "moved in" on [REDACTED] and told Factor he needed to leave. [REDACTED] and [REDACTED] were both in agreement that Factor could not continue to stay. Factor became very upset with [REDACTED] and called her a "cunt," "whore," and "filthy bitch." Factor also wanted to fight with [REDACTED] over having to leave.

Factor went to the residence almost daily to cause problems by yelling at [REDACTED] throwing things at the residence and knocking on the door to say he still had property inside he needed to get. Factor knew [REDACTED] work schedule and went to the house while [REDACTED] was there by herself and harassed her.

Because of the ongoing problems with Factor, [REDACTED] would lock the front door to the residence and go out the back door when he left for work.

REPORTING OFFICER Det. G. Hart [REDACTED]	DATE 070213	REVIEWED BY [Signature]	TYPED BY GH	ROUTED BY	DATE
FURTHER ACTION: 3 <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Other <input type="checkbox"/> SD/PO <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS	

**SHERIFF'S DEPARTMENT
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SECTION r 245 (c)		CRIME Assault with a deadly weapon	CLASSIFICATION Felony
VICTIM'S NAME - LAST NAME Diaz, Ismael	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS RESIDENCE			PHONE

WITNESS INTERVIEW: [REDACTED] (CONT.)

About one week prior to this date, [REDACTED] was at the residence with [REDACTED]. The front door was unlocked. [REDACTED] was sleeping in a room and awakened to find Factor inside the residence talking to [REDACTED]. [REDACTED] directed [REDACTED] to go and get help but she was not able to get out the door. Factor put his hand over [REDACTED] mouth and told [REDACTED] her mom was just thirsty. [REDACTED] was causing enough commotion in trying to get Factor out of the house that the neighbor, [REDACTED] heard them. [REDACTED] arrived at the house and told Factor he needed to leave, which he did.


Additionally, Factor has showed up while [REDACTED] was gone; forced entry to the front door and [REDACTED] had to barricade herself into the bedroom. Again, Factor would not leave when told to do so. The damage to the front door made the residence unsecure and [REDACTED] barricaded the entry with cardboard.

A couple days after Factor forced entry into the house, he returned and hit [REDACTED] in the back of the head. [REDACTED] and [REDACTED] reported some of these issues involving Factor to law enforcement.

Factor was able to evade contact with law enforcement by fleeing the scene prior to their arrival.

On this date, at about 1230-1300 hours, [REDACTED] was in the kitchen making macaroni and cheese. He briefly went into the bedroom, then was on his way back to check on the macaroni and cheese when he heard a knock at the door. [REDACTED] looked out and saw it was Factor. [REDACTED] did not open the door and just ignored Factor. He went back to the bedroom to let [REDACTED] know Factor was there again.

[REDACTED] opened the door and told Factor he needed to leave. At this point, [REDACTED] was standing behind [REDACTED] listening / monitoring the contact, to make sure Factor did not do anything to [REDACTED]. Factor said there was something in the house belonging to him and he wanted to look for it, while also stating [REDACTED] owed him \$20.

REPORTING OFFICER Det. G. Hart [REDACTED]	DATE 070213	REVIEWED BY 	TYPED BY GH	ROUTED BY	DATE
FURTHER ACTION: 3 <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Other <input type="checkbox"/> SD/PD <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS	

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.
141302397
H2013-056

REPORT AREA

SECTION 245 (c)		CRIME Assault with a deadly weapon	CLASSIFICATION Felony
VICTIM'S NAME - LAST NAME Diez, Ismael	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE		PHONE

WITNESS INTERVIEW: [REDACTED] **(CONT.)**

[REDACTED] explained there was no money owed to Factor and it was very typical for Factor to arrive at the house and claim he had something in the house to look for.

[REDACTED] could not hear what Factor said but it motivated [REDACTED] to become more direct in telling Factor to leave. [REDACTED] stepped out onto the porch and told Factor to get off the porch and made some mention to Factor about "kicking his ass".

Factor ran towards the exterior area of the kitchen window and threw something against the side of the trailer. [REDACTED] believed it was a lighter that was found next to the trailer after Factor left. Factor then threw a large rock through the kitchen window that landed inside the kitchen. Nobody was in the kitchen when the rock was thrown. Factor fled the scene on foot.

[REDACTED] and [REDACTED] contacted law enforcement to report the incident.

About 15-20 minutes after throwing the rock through the window, Factor called [REDACTED] on the phone asking for a ride. [REDACTED] was frustrated that Factor knew he could continue to cause problems and flee before law enforcement arrived. Factor also mentioned in the past about knowing he could run from the cops and did not care if they were called or not.

[REDACTED] argued with Factor about why she should give him a ride, after Factor just broke their window. Factor acted as if he did not know what she was talking about. [REDACTED] agreed to pick up Factor, in an effort to get him into her vehicle. [REDACTED] knew Factor had outstanding warrants for his arrest, so she planned to have law enforcement stop her vehicle.

[REDACTED] left the residence, by herself, in their green Chevy Malibu. [REDACTED] called [REDACTED] and told him she was going to pick up Factor on 3rd Street, near the adult school. Shortly thereafter, [REDACTED] called back saying she was getting Factor at 4th and Calimesa Boulevard. [REDACTED] did not hear back from [REDACTED] after that.

REPORTING OFFICER Det. G. Hart [REDACTED]	DATE 070213	REVIEWED BY (Signature)	TYPED BY GH	ROUTED BY	DATE
FURTHER ACTION: 3 <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Other <input type="checkbox"/> SD/PA <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS		

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**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.
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REPORT AREA

SECTION r 245 (c)		CRIME Assault with a deadly weapon	CLASSIFICATION Felony
VICTIM'S NAME - LAST NAME Diaz, Ismael	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS			PHONE

WITNESS INTERVIEW: [REDACTED] (CONT.)

A deputy ([REDACTED] thought was possibly Deputy Diaz) arrived at the house regarding, the vandalism report. [REDACTED] passed on the information regarding Factor and what he had done. [REDACTED] told the deputy that [REDACTED] left to pick up Factor so law enforcement could catch him.

[REDACTED] relayed the following information to the deputy:

- Location [REDACTED] was picking up Factor was in the area of 4th and Calimesa Boulevard
- The vehicle was a green Chevy Malibu, with a tail lamp out, so it was easy to spot.
- The Deputy asked for the plate number but [REDACTED] did not have it
- Occupants in vehicle would be [REDACTED] and Factor

The deputy left the location and about 30 minutes later, [REDACTED] received a call from the sheriff's department. He was told [REDACTED] was okay but would be detained at the sheriff's station, for questioning by detectives. The caller asked [REDACTED] if he would be able to care for [REDACTED] while [REDACTED] was detained.

Shortly after the call, a deputy arrived at the residence and obtained a statement from [REDACTED]. The deputy asked if [REDACTED] would be willing to go to the sheriff's station for further questioning, which he agreed to. The deputy transported [REDACTED] and [REDACTED] to the Yucaipa Sheriff's station.

I questioned [REDACTED] as to whether he has seen Factor with any weapons, or if weapons were used in the contacts between he and Factor or [REDACTED] and Factor.

About 2-3 weeks prior, late at night, while at [REDACTED] residence, Factor contacted him and claimed to have a charger or something in the trunk of the car. [REDACTED] approached Factor outside and told him to leave the property. Factor pulled out a silver bladed, folding knife and displayed it toward [REDACTED]. [REDACTED] did not know where Factor got the knife from, but assumed from his pants. [REDACTED] told Factor to put the knife away and Factor made statements about [REDACTED] being a "bigger guy," as a justification for pulling it out. Factor did not engage [REDACTED] with the knife and put the knife away. Factor was angry and hit the back window of [REDACTED] car with his fist, hit a swing that is in front of the residence and picked up a rock and threw it against the mobile home.

REPORTING OFFICER Det. G. Hart [REDACTED]	DATE 070213	REVIEWED BY [Signature]	TYPED BY GH	ROUTED BY	DATE
FURTHER ACTION: S <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Other <input type="checkbox"/> SD/PD <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS	

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CA 03600

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141302397
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SECTION PC 245 (c)		CRIME Assault with a deadly weapon	CLASSIFICATION Felony
VICTIM'S NAME - LAST NAME Diaz, Ismael	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE		PHONE


WITNESS INTERVIEW: [REDACTED] (CONT.)

[REDACTED] chased after Factor. Factor ran away from the residence and stopped in an unlit area. [REDACTED] opted not to pursue Factor any further. Factor asked [REDACTED] if he was afraid to come out into the dark, [REDACTED] asked Factor if he was afraid to come back into the light. [REDACTED] expressed to Factor that if there was an issue they could handle it at that point. The two never engaged each other and [REDACTED] went back into the residence.

[REDACTED] returned to the house, knowing he could not be getting into a fight with Factor because he did not want to end up in jail. After that confrontation, Factor would not talk to [REDACTED] he would only deal with [REDACTED].

[REDACTED] believed Factor to always have a knife on his person. In the past couple of months he has seen Factor with a knife 4-5 times. [REDACTED] said Factor was always "fiddling" with the knife. He could not say if it was the same knife or different knives. [REDACTED] only knew the color of the blade to be silver on the knife Factor pulled on him.

Interview concluded at 2132 hours.

REPORTING OFFICER Det. G. Hart [REDACTED]	DATE 070213	REVIEWED BY 	TYPED BY GH	ROUTED BY	DATE
FURTHER ACTION: S <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Disl. Atty. <input type="checkbox"/> Other <input type="checkbox"/> SD/PO <input type="checkbox"/> Patrol		REMARKS		

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SECTION PC 69		CRIME RESIST / OBSTRUCT OFFICER	CLASSIFICATION FELONY
VICTIM'S NAME - LAST NAME DIAZ		FIRST NAME ISMAEL	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE

WITNESS INTERVIEW - [REDACTED] and [REDACTED]:

On Sunday, June 30, 2013, at approximately 1330 hours, I interviewed [REDACTED] at his residence. Midway through the interview, [REDACTED], accompanied [REDACTED] in the interview. The following is a summary of [REDACTED] and [REDACTED] recorded statement.

On Saturday, June 29, 2013, at approximately 1630 hours, [REDACTED] and [REDACTED] were purchasing gas from the US Gas Station located on the corner of Yucaipa Boulevard and 3rd Street, Yucaipa. While [REDACTED] was filling the vehicle with gas, [REDACTED] and [REDACTED] saw uniformed patrol deputies circling the area of Yucaipa Boulevard and 3rd Street. [REDACTED] knew based on the fact the sheriff's deputies were patrolling the area, they were on a call for service in the general area. The deputies appeared to be circling the area, looking for someone or something. [REDACTED] saw a deputy contact someone on 3rd Street and a second deputy pulled into the USA Gas Station to speak with people about the incident. Both deputies left the immediate area. [REDACTED] and [REDACTED] pulled out of the gas station and stopped at the stop light on 3rd Street at Yucaipa Boulevard, facing south.

As [REDACTED] started to pull into the intersection, he and [REDACTED] saw one of the sheriff's deputies on a traffic stop in the First Baptist Church parking lot. [REDACTED] believed the deputy was on a traffic stop because the deputy's vehicle had the overhead lights activated and the deputy was contacting the suspect. Neither [REDACTED] nor [REDACTED] saw the traffic stop take place, but saw the deputy outside of his patrol vehicle, near the passenger side of the suspect vehicle.

As the deputy was contacting the suspect, the deputy and the suspect appeared to be fighting on the passenger side of the suspect vehicle. [REDACTED]

As [REDACTED] and [REDACTED] were driving through the intersection and around the building, they heard the deputy yelling, "Stop resisting!" Both [REDACTED] and [REDACTED] were able to hear the verbal commands due to the fact the weather was hot and [REDACTED] was driving with the driver side window down. As [REDACTED] drove through the intersection, he saw a second deputy pull into the parking lot to assist the deputy involved in the fight.

REPORTING OFFICER DET. E. BACHMAN [REDACTED]	DATE 7/10/13	REVIEWED BY [REDACTED]	TYPED BY Rochelle	ROUTED BY	DATE
FURTHER ACTION: [REDACTED] <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Other <input type="checkbox"/> SBI/PI <input type="checkbox"/> Other <input type="checkbox"/> Patrol		REMARKS		

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CA 03600**

CASE NO.

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E SECTION PC 69		CRIME RESIST / OBSTRUCT OFFICER	CLASSIFICATION FELONY
VICTIM'S NAME - LAST NAME DIAZ	FIRST NAME ISMAEL	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS			PHONE

WITNESS INTERVIEW – [REDACTED] and [REDACTED] (cont.):


[REDACTED] told [REDACTED] to hold on as he proceeded through the intersection and turned into the parking lot, on the southeast corner of the intersection. After [REDACTED] turned into the parking lot, he drove around the east side of the building and approached the Bank of America drive-thru ATM. [REDACTED] estimated it was approximately five to seven seconds from the time he lost sight of the deputies until he pulled up to the ATM machines. As [REDACTED] approached the street, he looked up to see both deputies had their guns drawn; pointed in the suspect's direction.

As [REDACTED] passed the ATM machines, he approached the curb on the south side of Yucaipa Boulevard and he heard gunfire erupt from the scene of the traffic stop. [REDACTED] immediately yelled for [REDACTED] to get down not knowing if shots were being fired in their direction. [REDACTED] estimated he heard approximately 8 to 10 gunshots and was unsure if there were multiple shooters or if the gunfire was in rapid succession.

[REDACTED] and exited his vehicle. [REDACTED] walked the curb line on the south side of Yucaipa Boulevard and saw one of the deputies detain the female occupant ([REDACTED]), who was stopped behind the sheriff's vehicle closest to the street.

[REDACTED] crossed Yucaipa Boulevard and found both deputies were unharmed. [REDACTED] watched as both deputies utilized personal protective equipment and began performing cardiopulmonary resuscitation (CPR) on Factor. [REDACTED] continued directing traffic around the scene for a short time, until a sheriff's sergeant arrived on scene. After the sheriff's sergeant arrived, [REDACTED] identified himself to the sergeant and provided the sergeant with a business card and his contact information. [REDACTED] determined there was sufficient sheriff's personnel on scene and left the location, but was available for future contact.

[REDACTED] described both sheriff's deputies as being dressed in Class A style uniforms and driving marked sheriff patrol vehicles. [REDACTED] believed the primary deputy was a Hispanic male adult with dark glasses and the secondary deputy had dark colored hair and a heavier build. Neither [REDACTED] nor [REDACTED] was familiar with either deputy involved in the incident.

REPORTING OFFICER DET. E. BACHMAN	DATE 7/10/13	REVIEWED BY 	TYPED BY Rochelle	ROUTED BY	DATE
FURTHER ACTION: S <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS		

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E SECTION PC 69		CRIME RESIST / OBSTRUCT OFFICER	CLASSIFICATION FELONY
VICTIM'S NAME - LAST NAME DIAZ	FIRST NAME ISMAEL	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS RESIDENCE			PHONE

WITNESS INTERVIEW – [REDACTED] and [REDACTED] cont.):

[REDACTED] and [REDACTED] described the suspect as a White or light skinned Hispanic male adult with a shaved head wearing a white t-shirt. [REDACTED] and [REDACTED] believed the female was a White female adult with blonde hair and was wearing a red shirt. The suspects were driving a dark green unknown make older sedan at the time of the traffic stop.

[REDACTED] and [REDACTED] believed (based on their observations) the deputies acted appropriate during the incident. [REDACTED] did not see any forced used by deputies after the shooting.

[REDACTED] and [REDACTED] had no additional information and I concluded the interview.

REPORTING OFFICER DET. E. BACHMAN	DATE 7/10/13	REVIEWED BY 	TYPED BY Rochelle	ROUTED BY	DATE
FURTHER ACTION: S <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS		

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SECTION PC 69		CRIME Resist/Obstruct Officer	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME Diaz		FIRST NAME Ismael	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE

WITNESS INTERVIEW - [REDACTED] :


On Sunday, June 30, 2013, at approximately 1522 hours, I interviewed [REDACTED] in my detective vehicle while parked in the Del Taco parking lot on Yucaipa Boulevard. The following is a summary of [REDACTED] recorded statement.

On Saturday, June 29, 2013, at approximately 1600 hours, [REDACTED] went with [REDACTED] to the bicycle store, located on Yucaipa Boulevard east of Third Street. While [REDACTED] was walking into the bicycle store, he saw a vehicle stopped in the west exit of the parking lot, facing Yucaipa Boulevard. [REDACTED] believed the vehicle was a light colored blue vehicle, similar to a Saturn. [REDACTED] felt it was strange the vehicle was stopped in the driveway, but noticed a male adult (Merlin Factor) standing outside the driver's side door. Factor was talking to a female adult [REDACTED]. As Factor was standing near the driver's door of the vehicle, he appeared agitated and aggressive and was cussing at [REDACTED]

[REDACTED] described Factor as a White or Hispanic male adult in his 20's, with short hair and was wearing a white tee shirt and blue jeans. [REDACTED] described [REDACTED] as a White female adult, in her mid to late 20's, with dyed blonde hair tied on the top of her head. [REDACTED] was wearing a red shirt and was driving an unknown make blue vehicle. [REDACTED] did not feel he could identify neither Factor nor [REDACTED] in a photographic line up.

As [REDACTED] began to walk in the business, he told his wife that Factor and [REDACTED] were involved in a dispute and to keep her eye on them. [REDACTED] walked inside the bicycle store, with [REDACTED] but maintained his view on Factor and [REDACTED] through the windows of the business.

As [REDACTED] was looking out the window of the business, he saw Factor get inside the passenger's side of the vehicle. After being in the store approximately five to ten minutes, [REDACTED] walked out the door of the business and toward his vehicle. [REDACTED] saw a marked sheriff's patrol vehicle drive past the location eastbound on Yucaipa Boulevard. As the sheriff's patrol vehicle passed Factor and [REDACTED] [REDACTED] saw the sheriff's vehicle and turned westbound on Yucaipa Boulevard. [REDACTED] believed the sheriff's deputy saw Factor and [REDACTED] and started to make a U-turn to drive toward the vehicle. [REDACTED] started to exit the parking lot of the bicycle

REPORTING OFFICER Detective E. Bachman # [REDACTED]	DATE 7/3/13	REVIEWED BY 	TYPED BY Mary	ROUTED BY	DATE
FURTHER ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol <input type="checkbox"/> Other		REMARKS		

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SECTION PC 69		CRIME Resist/Obstruct Officer	CLASSIFICATION OIS	
VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)	
ADDRESS		RESIDENCE	PHONE	

WITNESS INTERVIEW - [REDACTED] (continued)

store and saw two deputies had Factor and [REDACTED] stopped in the parking lot of First Baptist Church.

[REDACTED] continued driving west on Yucaipa Boulevard with his passenger's side window down. As [REDACTED] neared the east edge of the parking lot of First Baptist Church, he saw both deputies on the passenger's side of the suspect's vehicle. [REDACTED] looked to the parking lot and saw the deputies struggling with Factor. [REDACTED] heard the deputies yelling for Factor to either get down or get out and heard a taser going off. [REDACTED] heard someone yelling various obscenities during the altercation. As [REDACTED] started to pass the vehicle he noticed Factor was leaning into the car; facing the floorboard.

As [REDACTED] was passing the vehicle, he heard gunfire erupt from the scene. [REDACTED] estimated he heard a total of seven to nine gunshots. During the course of the gunshots, there was an approximately one to two second pause. [REDACTED] could see Factor had his body turned toward the floorboard of the vehicle, as one of the deputies was standing in the passenger side (front) doorway. The second deputy was near the passenger side rear door. Both doors to the vehicle were open and [REDACTED] saw a female adult ([REDACTED]) near the backside of the patrol vehicle, closest to the street.

[REDACTED] felt concerned for the deputies involved in the incident and decided to approach the scene, in case he could offer assistance. [REDACTED] turned his vehicle north on Third Street, then drove through the alleyway, to the north side of the parking lot of First Baptist Church. [REDACTED] could see the two involved deputies walking around the scene anxiously and it appeared to [REDACTED] there adrenaline was up. [REDACTED] could see other people approaching the scene and the deputies told the other people to stay back. [REDACTED] decided to stay in his vehicle and monitor the situation in case his assistance was needed. [REDACTED] walked away from the scene for a short time and returned to the bicycle shop to tell his son what happened. [REDACTED] told his son to remain at the bicycle shop, and then returned to the scene minutes later.

[REDACTED] watched as medical aid arrived on scene and saw either the involved deputies or

REPORTING OFFICER Detective E. Bachman # [REDACTED]	DATE 7/3/13	REVIEWED BY [REDACTED]	TYPED BY Mary	ROUTED BY	DATE
FURTHER ACTION: [REDACTED] .S <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS		

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SECTION PC 69		CRIME Resist/Obstruct Officer	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS			PHONE

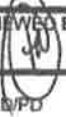
WITNESS INTERVIEW – [REDACTED] (continued)

medical personnel performing cardio pulmonary resuscitation (CPR) on Factor. [REDACTED] was not certain, but he believed the involved female was placed in the backseat of the patrol car closest to the street. [REDACTED] watched as a third sheriff's patrol vehicle approached the scene and stopped on the north roadway edge of Yucaipa Boulevard., facing east.

[REDACTED] remembered hearing someone discuss CPR and heard one of the deputy's state, "Where is the gun? Did you get the gun?" [REDACTED] believed based on the actions of the suspect, actively resisting as the deputies were trying to remove him from the vehicle, along with the statements by the deputies, Factor must have been armed during the incident. [REDACTED] did not observe any type of use of force by the deputies after the shots were fired, while he was present.

[REDACTED] described the two deputies as White male adults, dressed in Sheriff's Department Class A uniforms with tan shirts and green pants. Both deputies were driving marked sheriff patrol vehicles and it was obvious to [REDACTED] both were uniformed sheriff's deputies.

[REDACTED] had no additional information and I concluded the interview.

REPORTING OFFICER Detective E. Bachman # [REDACTED]	DATE 7/3/13	REVIEWED BY 	TYPED BY Mary	ROUTED BY	DATE
FURTHER ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS	

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VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS RESIDENCE			PHONE

WITNESS INTERVIEW - [REDACTED]

On Sunday, June 30, 2013, at approximately 1219 hours, I interviewed [REDACTED] inside my detective vehicle, in a parking lot at Yucaipa Boulevard and 5th Street, in Yucaipa. The following is a summary of [REDACTED] recorded statement.

On Saturday, June 29, 2013, at approximately 1620 hours, [REDACTED] was stopped at the Arco Gas Station on Yucaipa Boulevard, filling his vehicle with gasoline. The Arco Gas Station was directly across Yucaipa Boulevard from the bicycle shop. As [REDACTED] was getting gas, he looked across Yucaipa Boulevard and saw an early 90's model dark green sedan stopped in the driveway of the bicycle shop parking lot. The vehicle was stopped, appearing as though it was going to turn on to Yucaipa Boulevard; however, the vehicle left the remained stationary.

The driver of the vehicle was described as a White female adult ([REDACTED]) with bleach blonde hair tied up on top of her head. The passenger of the vehicle (Merlin Factor) appeared to be a White or Hispanic male adult and was acting as though he was under the influence of narcotics. Factor remained in the vehicle and was constantly moving during the entire time [REDACTED] was filling his vehicle with gas. Factor began throwing items out the passenger side window of the vehicle and was taking napkins and other items and wiping himself off. [REDACTED] believed the two subjects were engaged in illegal activity and felt it was odd the vehicle remained at the location the entire time [REDACTED] filled his vehicle with gas.

Factor continued watching and saw a marked Sheriff's patrol unit driving eastbound on Yucaipa Boulevard. As the Sheriff's patrol unit passed the green sedan, [REDACTED] turned westbound on Yucaipa Boulevard. The deputy made a u-turn and pulled behind the green sedan. The deputy initiated a traffic stop on the vehicle and both the green sedan and the Sheriff's patrol unit pulled into the First Baptist Church parking lot, on the north side of Yucaipa Boulevard.

After the green sedan and the initial Sheriff's unit pulled into the parking lot, [REDACTED] saw a second Sheriff's patrol unit pull into the church parking lot. Due to [REDACTED] positioning, he

REPORTING OFFICER Det. E. Bachman [REDACTED]	DATE 7/2/13	REVIEWED BY [Signature]	TYPED BY JB	ROUTED BY	DATE
FURTHER ACTION: S NO	COPIES TO: Detective Dist. Atty.		Other CII Patrol		
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VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS			PHONE


WITNESS INTERVIEW - [REDACTED]:

was only able to see the second patrol unit as it was parked at the south portion of the church parking lot. [REDACTED] saw a deputy exit the second patrol unit and walk around the rear of the vehicle, toward the trunk. [REDACTED] believed the deputy may have retrieved something out of the trunk but was unsure. [REDACTED] believed the situation was under control and began walking toward the inside of the Arco Gas Station.

As [REDACTED] was walking inside, he heard approximately six to ten gunshots coming from the church parking lot. [REDACTED] described the six to ten gunshots as being in rapid succession with little to no pause. [REDACTED] looked back toward the church and saw [REDACTED] run out of the vehicle, to the south portion of the parking lot. [REDACTED] saw [REDACTED] hide behind the Sheriff's vehicle. [REDACTED] was unable to hear any type of yelling or other commotion after the shooting.

After the shooting stopped, [REDACTED] walked west on Yucaipa Boulevard and approached the scene. [REDACTED] was not able to get close enough to see anything in the parking lot, but watched as medical aid arrived on scene. [REDACTED] saw Sheriff's deputies escort [REDACTED] away from the scene and claimed he did not recognize her. [REDACTED] did not get a good look at Factor, due to the positioning of the green sedan, from where [REDACTED] was standing. [REDACTED] view was partially obstructed by the visor in the vehicle but believed Factor may have had a hat on while inside the vehicle.

[REDACTED] had no additional information and I concluded the interview.

REPORTING OFFICER Det. E. Bachman	DATE 7/2/13	REVIEWED BY 	TYPED BY JB	ROUTED BY	DATE	
FURTHER ACTION: 3 NO	COPIES TO: Detective Dist. Atty.		Other CII Patrol SO/PD Other			REMARKS

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.

DR# 141302397

REPORT AREA

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SECTION PC 89/245 (c)		CRIME Resisting Arrest/ADW on Peace Officer	CLASSIFICATION Assault / OIS
VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE	


WITNESS INTERVIEW - [REDACTED]

On Saturday, June 29, 2013, at 2005 hours, I interviewed [REDACTED] in my unmarked vehicle at the scene. I recorded the interview and a copy was kept with the case file. During the interview, [REDACTED] referred to Merlin as the "suspect." To avoid confusion, I will be using Merlin's name instead of suspect in this supplemental report. The following is a summary of [REDACTED] statement.

On Saturday, June 29, 2013, between 1615 and 1645 hours, [REDACTED] was on the southwest side of the First Baptist Church under the shade of a tree. [REDACTED] was above the stairs and behind the railing. [REDACTED] heard the siren of a patrol vehicle and when he looked toward Yucaipa Blvd, he saw a patrol unit activate its emergency lights and it made a U-turn. The patrol unit followed the suspect's vehicle, a green Chevy Impala, into the parking lot of the First Baptist Church. The green Impala and the patrol unit stopped side by side, in the parking stalls, facing northwest.

The passenger, a male, later identified as Merlin Factor exited the Impala and faced the deputy. Merlin and the deputy exited their vehicles at the same time and met face to face in between the vehicles. The deputy attempted to grab Merlin's right wrist, but Merlin resisted by turning abruptly away from the deputy and quickly sat down on the front passenger's front seat of the Impala. [REDACTED] also heard the deputy tell Merlin, "Don't resist"; [REDACTED] never saw the deputy gain control of Merlin. [REDACTED] could not see, from where he was standing, if Merlin put his legs inside the vehicle when he sat down.

After Merlin sat inside the Impala, [REDACTED] could not see Merlin's body or what he was doing with his hands. Two deputies at the passenger's side door of the Impala obstructed [REDACTED] view. Both deputies were bent over at the waist and their arms were inside the Impala. It appeared to [REDACTED] both deputies were attempting to gain control and pull Merlin out of the Impala. [REDACTED] did not know when the second deputy showed up at the scene, and he assumed both deputies arrived in the patrol unit parked north of the Impala.

REPORTING OFFICER Detective A. Avila # [REDACTED]	DATE 7/2/13	REVIEWED BY 	TYPED BY Mary	ROUTED BY	DATE
FURTHER ACTION: <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Disl. Atty.		<input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol	REMARKS	

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DR# 141302397

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SECTION PC 69/245 (c)		CRIME Resisting Arrest/ADW on Peace Officer	CLASSIFICATION Assault / OIS
VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE	

WITNESS INTERVIEW – [REDACTED] (continued)


[REDACTED] never saw the patrol unit located south of the Impala at the scene. [REDACTED] believed if the second deputy arrived as back up; he arrived two or three seconds after the first unit.

The female, who was driving the Impala, later identified as [REDACTED] exited and walked perpendicularly toward the sidewalk on Yucaipa Boulevard. At that time, [REDACTED] heard the sound consistent with deployment of a taser at least three times (three cycles), but [REDACTED] did not know which of the two deputies deployed the taser. [REDACTED] believed the suspect was not resisting defiantly, but then said they, (referring to deputies), "know more than I do." [REDACTED] believed the deputies were going to handcuff Merlin and take him away after they tased him.

[REDACTED] heard Merlin say, "No guns", but he did not know if that meant Merlin did not have a gun, or if Merlin was trying to tell the deputies there was no need to pull their guns. [REDACTED] also heard one of the deputies say, "Don't resist," "I will shoot you", and "where is the gun." About two seconds later [REDACTED] heard six to seven gunshots. Merlin was in the front passenger's seat of the Impala when [REDACTED] heard the Taser arching and the gunshots.

[REDACTED] estimated the physical struggle between Merlin and deputies lasted approximately 30 seconds to a minute. [REDACTED] thought the shooting was excessive and uncalled for because he felt the first deputy could have taken Merlin to the ground and handcuffed him.

[REDACTED] did not see the deputies deploy their guns because their backs were toward him. After [REDACTED] heard the first three or four gunshots, he moved because he thought if Merlin had a gun and shot at the deputies, he [REDACTED] was in the line of fire. [REDACTED] moved and changed his angle and then heard another three or four gunshots. When [REDACTED] heard the gunshots, the two deputies were within arm's reach of Merlin and between the open passenger's side door and the front passenger's seat of the Impala. At the time of the shooting, [REDACTED] was upset and he wanted to tell the deputies what he thought about the incident, but he refrained.

REPORTING OFFICER Detective A. Avila # [REDACTED]	DATE 7/2/13	REVIEWED BY 	TYPED BY Mary	ROUTED BY	DATE
FURTHER ACTION: <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.		<input type="checkbox"/> Other <input type="checkbox"/> SD/PO <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Patrol		
REMARKS					

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600

DATE REC.

DR# 141302397

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H- 2013-056

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SECTION PC 69/245 (c)		CRIME Resisting Arrest/ADW on Peace Officer	CLASSIFICATION Assault / OIS
VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS RESIDENCE			PHONE

WITNESS INTERVIEW - [REDACTED] (continued)

[REDACTED] said Merlin's hands were empty, and he did not see a gun or a weapon. [REDACTED] opinion was that if the suspect had a gun, the first deputy should have taken Merlin to the ground. [REDACTED] believed the first deputy had enough talent to take control of Merlin, and Merlin was not big.

After the shooting, the deputies pulled Merlin out of the Impala and Merlin lay motionless on the ground, between the Impala and the patrol unit, positioned north of it.

I asked [REDACTED] if he knew which of the two deputies shot Merlin. [REDACTED] assumed both deputies fired their guns, but then said he did not know.

After the shooting, [REDACTED] stood by because he knew he was a witness. [REDACTED] also watched [REDACTED] and wanted to walk down into the parking lot and console her.

[REDACTED] believed [REDACTED] was wearing pink shorts and an unknown colored tank top. [REDACTED] guessed Merlin was wearing something white, jeans and possibly a jacket.

After the shooting, [REDACTED] went home, had a drink, and then he went to the Yucaipa station. While at the station, [REDACTED] could not talk to anyone and decided to return to the crime scene. [REDACTED] did not believe anyone else from the church witnessed the shooting.

[REDACTED] walked with me and showed me the location where he was standing when the shooting happened. By his own statement, [REDACTED] could only see upper body movement from where he was standing and the deputies back were toward him. [REDACTED] had nothing else to add and I ended the interview.

REPORTING OFFICER Detective A. Avila # [REDACTED]	DATE 7/2/13	REVIEWED BY (Signature)	TYPED BY Mary	ROUTED BY	DATE
FURTHER ACTION: <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.		<input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol	REMARKS	

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SECTION

PC 69 / 245 (c)

CRIME

Resisting / Assault on a Peace Officer

CLASSIFICATION

Assault / OIS

VICTIM'S NAME - LAST NAME

FIRST NAME

MIDDLE NAME

(FIRM NAME IF BUSINESS)

Diaz,

Ismael

ADDRESS

RESIDENCE

PHONE

Witness Interview: [REDACTED]

On Sunday, June 30, 2013, at 1453 hours, I interviewed [REDACTED] in my unmarked vehicle at the Yucaipa Car Wash and Auto Center. The following is a summary of [REDACTED] recorded statement.

On Saturday, June 29, 2013, [REDACTED] At about 1630 hours, deputies arrived at the USA gas station across the street from the car wash. The deputies asked [REDACTED] if they had seen a fight across the street in the gas station. [REDACTED] told the deputies they had not seen anyone fighting. The deputies left the location and drove north on 3rd Street.

At about 1645, deputies followed a green Chevy Malibu traveling westbound Yucaipa Boulevard. The Malibu pulled into the parking lot of the First Baptist Church parking lot. Two patrol cars pulled up next to the Malibu, one on each side. [REDACTED] estimated he was about 50 yards or less from where the shooting happened and there was nothing obstructing his view of the shooting.

The deputies exited their patrol cars and walked over to the passenger side of the Malibu. [REDACTED] "was almost sure" deputies had tasers on their hands. [REDACTED] explained, at first, the object in the first deputy's hands was black in color with green or yellow striped accents on it. The object in the second deputy's hands was all black. [REDACTED] could not say for sure whether the deputies approached the suspect with tasers or handguns in their hands. The deputies opened the passenger side door and ordered the suspect to exit the car.

The first deputy was pulling the suspect by the arm, and repeatedly told the suspect to stop resisting and ordered him to get out of the car. The suspect resisted by saying, "No, no, I am not getting out." The first deputy struggled with the suspect inside the car as he attempted to extricate him. The suspect leaned his body toward the driver seat, pulled his arms away from the deputy and kept saying he was not getting out. The second deputy un-holster his handgun, leaned inside the passenger side behind the first deputy and told the suspect he was going to shoot him. [REDACTED] assumed the second deputy had threatened to shoot the suspect because the suspect was still physically resisting.

REPORTING OFFICER

Det. A. Avila [REDACTED]

DATE

062813

REVIEWED BY

TYPED BY

ROUTED BY

DATE

8/6/13

FINGER ACTION:

☐ YES ☐ NO

COPIES TO:

☐ Detective

☐ Dist. Atty.

☐ Other

☐ CII

☐ Patrol

☐ SD/PD

☐ Other

REMARKS

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SECTION PC 69 / 245 (c)		CRIME Resisting / Assault on a Peace Officer	CLASSIFICATION Assault / OIS
VICTIM'S NAME - LAST NAME Diaz,	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE

Witness Interview: [REDACTED] (continued)

The deputies were approximately a foot away from the suspect when [REDACTED] heard a minimum of eight gunshots. [REDACTED] believed both deputies shot the suspect. [REDACTED] estimated the first deputy who was trying to extricate the suspect fired three rounds and the second deputy fired six rounds. All gunshots were in rapid succession. [REDACTED] made the gunshot sounds with his mouth to indicate the cadence in which he heard the gunshots. The female driver, wearing a white top and red shorts, was in the driver seat when the suspect was shot, and she jumped out of the car screaming and telling deputies to stop.

After the suspect was shot, the deputies pulled him out of the car by the shirt and threw him on the ground. The suspect's feet were oriented toward the northwest and his head toward the southeast. [REDACTED] heard deputies yell, "Shots fired. Shots fired."

The suspect was attired in a white shirt and black pants. [REDACTED] did not see what type of injuries the suspect sustained, but he saw blood on the suspect's back. [REDACTED] believed the entire incident happened in less than a minute.

Medical aid arrived on scene within 30 seconds. The paramedics began administering CPR and removed the suspect from the scene. After the suspect was transported to the hospital, a deputy approached [REDACTED] and took a brief statement from him. At a later time, [REDACTED] learned from TV news that the suspect had been pronounced dead at the hospital.

When [REDACTED] arrived home after the shooting, he heard in a newscast that the suspect was trying to reach for the deputy's gun, and deputies thought the suspect had a gun under his belt.

[REDACTED] then conducted an Internet search. An Internet posting related the suspect was ordering the female driver at gunpoint from an automated bank teller to another trying to get money out.

REPORTING OFFICER Det. A. Avila [REDACTED]	DATE 062813	REVIEWED BY	TYPED BY	ROUTED BY	DATE
FOLLOW UP ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS	

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CALIFORNIA
CA 03600**

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SECTION PC 69 / 245 (c)		CRIME Resisting / Assault on a Peace Officer	CLASSIFICATION Assault / OIS
VICTIM'S NAME - LAST NAME Diaz,	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS			PHONE

Witness Interview: [REDACTED] (continued)

Another Internet posting said a female witness, who was standing across the street from the church, saw the suspect with a gun, but [REDACTED] watched the shooting and he did not see the suspect with a gun. [REDACTED] did not understand why the female said she saw a gun on the suspect when she was across the street and the driver's door of the suspect's car was closed when the suspect was shot.

[REDACTED] never saw the suspect held or in possession of a gun or knife during the struggle with deputies, and the suspect never exited the car. [REDACTED] was familiar with the sound a taser makes when it is deployed, but [REDACTED] never heard the taser's arching before, during, or after the shooting.

[REDACTED] explained when he saw deputies stop the green Malibu in the church parking lot; he put two and two together and realized the deputies were looking for that car. [REDACTED] had seen the green car at the USA gas station earlier in the day. The female and the male suspect were in the car. [REDACTED] recalled the female exited the car, but he did not pay much attention to her. [REDACTED] had nothing else to add and I ended the interview.

REPORTING OFFICER Det. A. Avila [REDACTED]	DATE 062813	REVIEWED BY	TYPED BY	ROUTED BY	DATE
F'ER ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS	

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COUNTY OF SAN BERNARDINO
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CA 03600**

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141202397

H-2013-056

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SECTION PC 69 / 245 (C)		CRIME Resisting / Assault on a Peace Officer	CLASSIFICATION Assault / OIS
VICTIM'S NAME - LAST NAME Diaz,	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE		PHONE

Witness Interview: [REDACTED]

On Sunday, June 30, 2013, at 1318 hours, I interviewed [REDACTED] inside his residence. The following is a summary of [REDACTED] recorded statement.

On Saturday, June 29, 2013, [REDACTED] arrived at the First Baptist Church at about 1515 hours to attend a wedding reception. Between 1630 or 1645 hours, [REDACTED] walked out of the church's social room and walked to the west end of the church into the parking lot. [REDACTED] saw two patrol cars in the parking lot, one on each side of a blue/green (teal) car. [REDACTED] was two feet out the church door when he heard six to eight gunshots and saw two deputies in their shooting stances standing approximately five feet away from the suspect. The deputies were five feet apart from each other and facing the passenger side of the teal car.

When [REDACTED] first saw the deputies, the deputies were standing with their legs shoulder width apart and their arms extended, in a shooting position. The deputies were holding their handguns in their hands, but [REDACTED] was not sure of the handgun's color. [REDACTED] did not see the deputies' guns, but heard the gunshots and only saw the muzzle of the guns because of the deputies' body positions. When I asked [REDACTED] if he knew which of the deputies fired, he replied he believed both deputies did, but he could not say for sure. [REDACTED] believed the deputies involved in the shooting were wearing a tan uniforms to include trousers and shirt.

[REDACTED] believed the gunshots overlapped, meaning the two deputies were shooting at the same time. The deputies were standing in between the teal car and the patrol car north of it. [REDACTED] did not see muzzle flashes or the events preceding the gunshots. The gunshots were not successive. [REDACTED] heard two or three volleys of gunshots with a less than a second pause between the volleys. [REDACTED] believed he heard three or four gunshots first, and then heard another two gunshots, and lastly two or three more.

[REDACTED] saw a White, blonde female wearing a ponytail, backing away from the teal car toward the east driveway entrance to the church parking lot on Yucaipa Boulevard at the time of the shooting. The female was approximately 30 years old, and wore a red blouse with dark color shorts. The female was flailing her arms hysterically because of the shooting. [REDACTED] could not explain the female's actions and emotions.

REPORTING OFFICER Det. A. Avila [REDACTED]	DATE 062813	REVIEWED BY [Signature]	TYPED BY	ROUTED BY	DATE 8/6/13
FOLLOWER ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Other <input type="checkbox"/> SD/PD <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS	

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SECTION PC 69 / 245 (C)		CRIME Resisting / Assault on a Peace Officer	CLASSIFICATION Assault / OIS
VICTIM'S NAME - LAST NAME Diaz,		FIRST NAME Ismael	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE

Witness Interview: [REDACTED] (continued)

The suspect was inside the teal car and was leaning on his left side toward the driver seat. [REDACTED] could not see the suspect's arms and did not know if the suspect's legs were in or out of the car.

[REDACTED] did not see the deputies tase the suspect, but knew the suspect had been tased. [REDACTED] walked past the deputies and was approximately 20 feet from the patrol cars in the parking lot. As [REDACTED] walked by, he saw the suspect lying on his right side facing north and had taser wires draped over him. The suspect's upper back was bloody down to his waist, but he did not know if the suspect was alive or dead.

[REDACTED] stood and watched for about 15-20 seconds. An unknown deputy approached [REDACTED] and asked him to move. A deputy approached [REDACTED] and asked him to move out of the crime scene, but [REDACTED] did not know if it was one of the deputies involved in the shooting or another deputy because there were a lot of patrol cars in the area at that time.

[REDACTED] believed the suspect was dead based on the number of gunshots he heard. [REDACTED] saw one of the deputies turn the suspect onto his stomach and press on the suspect's upper back with his left hand. [REDACTED] believed the deputy pressing on the suspect's back as a form of CPR.

[REDACTED] described one of the deputies involved in the shooting as a Mexican-American. The second deputy involved was not in [REDACTED] view as much as the first one, but [REDACTED] could see both deputies. The driver side door of the teal vehicle was open, but [REDACTED] did not remember if the passenger side door was open.

[REDACTED] saw deputies handcuffed the female, but he did not remember at what point she was handcuffed and taken into custody. After everything settled, the female was removed from the scene by law enforcement, but he did not know what happened to the female.

[REDACTED] stood on the church ramp leading to the upper level and watch deputies at the scene for about 45 minutes. Medical aid arrived on scene and rendered medical aid to the suspect, and then a deputy began to set up yellow caution tape around the church parking lot.

REPORTING OFFICER Det. A. Avila [REDACTED]	DATE 062813	REVIEWED BY	TYPED BY	ROUTED BY	DATE
FOLLOW UP ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Other <input type="checkbox"/> SD/PD <input type="checkbox"/> Other		REMARKS	

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SECTION PC 69 / 245 (C)		CRIME Resisting / Assault on a Peace Officer	CLASSIFICATION Assault / OIS
VICTIM'S NAME - LAST NAME Diaz,	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE

Witness Interview: [REDACTED] (continued)

While [REDACTED] stood at the scene watching law enforcement in the parking lot, an unknown male approached Baker and told him he was pumping gas at the Arco gas station across the street from the Koper Kettle Kafe and Katering Co restaurant. The Koper Kettle Kafe and Katering restaurant was located east of the church. The unknown male told [REDACTED] he was looking across the street and saw the blond female driving the teal car and the suspect was sitting in the passenger seat. The suspect was throwing trash out the car and appeared to be under the influence of drugs. [REDACTED] reasoned someone in the bike shop or in the restaurant called the police. The female drove the car onto westbound Yucaipa Boulevard and a patrol unit made a U-turn and activated its overhead emergency lights. The teal car appeared to have wanted to turn into the main church driveway, but continued down Yucaipa Boulevard and pulled into the church parking lot.

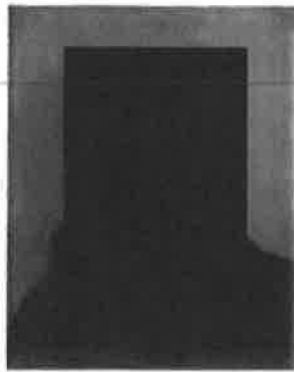
[REDACTED] believed someone from law enforcement questioned the unknown male after they questioned him at the scene. [REDACTED] described the unknown subject as [REDACTED], wearing a baseball cap. The same deputy who talked to [REDACTED] spoke to the unknown male.

I asked [REDACTED] if he heard either the suspect or deputies say anything. [REDACTED] said he would like to think so, but the event was all convoluted and he could not say if there was an exchange of words between the suspect and the deputies.

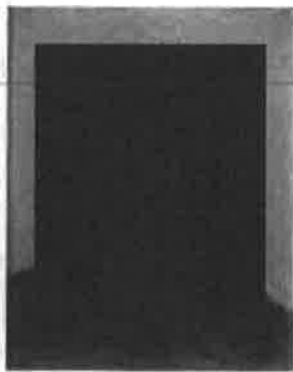
Photo Lineup

I read [REDACTED] the photo lineup admonishment and showed him a photo lineup with Merlin Factor in the number four position. [REDACTED] was not sure if he could pick the right person, but based on what he saw he selected the subject in the number four position. [REDACTED] had nothing else to add and I ended the interview.

REPORTING OFFICER Det. A. Avila [REDACTED]	DATE 062813	REVIEWED BY	TYPED BY	ROUTED BY	DATE
FOLLOW UP ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS	



1.



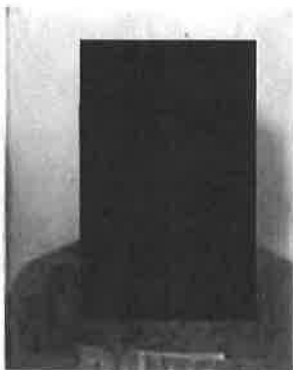
2.



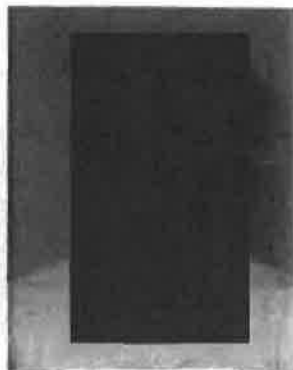
3.



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5.



6.

**SHERIFF'S DEPARTMENT
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CALIFORNIA
CA 03600**

CASE NO.
141302397
H2013-056

REPORT AREA

SECTION 1 - 245 (c)		CRIME Assault with a deadly weapon	CLASSIFICATION Felony
VICTIM'S NAME - LAST NAME Diaz, Ismael	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS			PHONE

WITNESS INTERVIEW: [REDACTED]

On June 29, 2013, at 2020 hours, I interviewed [REDACTED] at the Yucaipa Sheriff's station. The following is a summary of my recorded interview.

Initially, [REDACTED] told me he did not have anything to say and eluded to the fact he would be targeted by law enforcement if he gave a statement. After talking with [REDACTED] for a short time and explaining my purpose in the investigation, he provided me with an account of what he witnessed.

It should be noted I observed [REDACTED] to be under the influence of an alcoholic beverage at the time of interview. His speech was somewhat impaired, he had an odor of alcoholic beverage about his breath, and his mannerisms and movements were exaggerated. [REDACTED] did not appear to be intoxicated to the point of not being able to care for himself.

[REDACTED] was at Asadero's Market on the southeast corner of Yucaipa Boulevard and 3rd Street. He exited the market with beer and Carne Asada and said his attention was drawn to the church parking lot across the street, when he heard gunfire. However, [REDACTED] initially reported hearing the discharge of a taser, but was not sure if gunfire or taser was the first sound he heard.

When [REDACTED] looked to the church parking lot across the street, he saw the suspect being actively tased. He demonstrated the suspect's hand, near his right thigh, in a tense twitching motion. [REDACTED] reported the incident between the two officers and suspect took place between the south patrol vehicle and the green suspect vehicle. I showed [REDACTED] a photograph of the scene from my iPad and he pointed out the area between the south patrol car and the driver's side of the green suspect vehicle.

[REDACTED] heard between 6-8 gunshots, the gunfire stopped, then a third officer arrived from the northwest, approached the front passenger side of the suspect's vehicle and shot the suspect two times. I verified with [REDACTED] several times about the involvement of a third officer arriving at the scene. He was adamant the third officer was there, it was unknown if the officer arrived

REPORTING OFFICER Det. G. Hart [REDACTED]	DATE 070913	REVIEWED BY [Signature]	TYPED BY GH	ROUTED BY	DATE
FURTHER ACTION: 3 <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Patrol <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Other		REMARKS	

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.
141302397
H2013-056

REPORT AREA

SECTION 245 (c)		CRIME Assault with a deadly weapon	CLASSIFICATION Felony
VICTIM'S NAME - LAST NAME Diaz, Ismael		FIRST NAME	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE

WITNESS INTERVIEW: [REDACTED] (CONT.)

in a patrol car or where the officer went after the shooting. [REDACTED] did not know if this third officer was male or female.

[REDACTED] did not know which of the two initial officers fired on the suspect, but believed it may have been both of them.

[REDACTED] saw the female in the car, but knew nothing about her actions during the event.

At one point in the interview, I questioned [REDACTED] as to whether or not he was being completely truthful with me in regards to what he witnessed. I specifically addressed the issue of the third officer; as it was the first I had heard of any other officer being at the scene and involved in the shooting. [REDACTED] said he was being truthful and there was a third officer and a helicopter at the scene right away.

[REDACTED] was impatient during the interview and not voluntarily forthcoming with information. Several times during the interview, he asked if we were finished. I attempted to gain as much detail as possible from [REDACTED] but I am under the impression he was not being entirely truthful. I believe intoxication may have played a role in his inability to relay or recall information accurately.

[REDACTED] LOCATION / POINT OF VIEW

[REDACTED] location during the shooting was south of the church parking lot, on the opposite side of Yucaipa Boulevard. [REDACTED] view would have been of the southwest side of the scene.

REPORTING OFFICER Det. G. Hart [REDACTED]	DATE 070913	REVIEWED BY [Signature]	TYPED BY GH	ROUTED BY	DATE
FURTHER ACTION: 3 <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Other <input type="checkbox"/> Patrol		REMARKS		

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.

DR#141302397

REPORT AREA

H-2013-056

SECTION PC 69/245 (C)		CRIME Resisting Arrest/ADW on a Peace Officer	CLASSIFICATION Assault / OIS
VICTIM'S NAME - LAST NAME Diaz,	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE

WITNESS INTERVIEW - [REDACTED]:


On Sunday, June 30, 2013, at 1232 hours, I spoke with [REDACTED] inside her residence. I recorded the contact and a copy of the recording was kept with the case file. The following is a summary of [REDACTED] statement.

On Saturday, June 29, 2013, [REDACTED] arrived at the First Baptist Church at approximately 1500 hours for a reception, but she was not sure as to what time she took the photographs about the shooting. [REDACTED] walked inside the church and said there had been a shooting out in the parking lot. [REDACTED] told [REDACTED] she wished she could take pictures of the shooting. [REDACTED] told [REDACTED] to go out and take pictures. [REDACTED] stepped out to the canopy (outside the church) and took eight photographs. [REDACTED] believed she took the photographs sometime after 1600 hours. After [REDACTED] took the photographs, she went back to the reception and then drove home.

When [REDACTED] arrived home, she received several phone calls from Detective Kevin Allen (Yucaipa Station) and [REDACTED] who were in charge of the reception. [REDACTED] also received a phone call from [REDACTED] but she never saw [REDACTED] at the church while she was there. [REDACTED] believed law enforcement talked to [REDACTED] but she was not sure. [REDACTED] friend, [REDACTED] also called her; [REDACTED] was not at the church at the time of the shooting. [REDACTED] went to visit [REDACTED] after the reception and told [REDACTED] about it.

[REDACTED] returned to the church parking lot because she was told law enforcement wanted to talk with her about the photographs she had taken.

During the interview with [REDACTED] she provided me with the memory card from her camera and I downloaded the pictures into my computer. The pictures depicted medical personnel treating the Merlin Factor in the parking lot.

REPORTING OFFICER Det. A. Avila	DATE 7/2/13	REVIEWED BY 	TYPED BY JB	ROUTED BY	DATE
COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.		<input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol		REMARKS	

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.

DR#141302397

REPORT AREA

H-2013-056

SECTION PC 69/245 (C)		CRIME Resisting Arrest/ADW on a Peace Officer	CLASSIFICATION Assault / OIS
VICTIM'S NAME - LAST NAME Diaz,	FIRST NAME Ismael	MIDDLE NAME (FIRM NAME IF BUSINESS)	
ADDRESS		PHONE	

WITNESS INTERVIEW – [REDACTED] (continued)


As I was reviewing the photographs, I noticed a female walking toward the scene in one of the photographs. [REDACTED] identified the female as [REDACTED] [REDACTED] believed [REDACTED] walked into the parking lot to see if she could assist as [REDACTED] also had the "expertise." [REDACTED] did not know how [REDACTED] learned about the shooting.

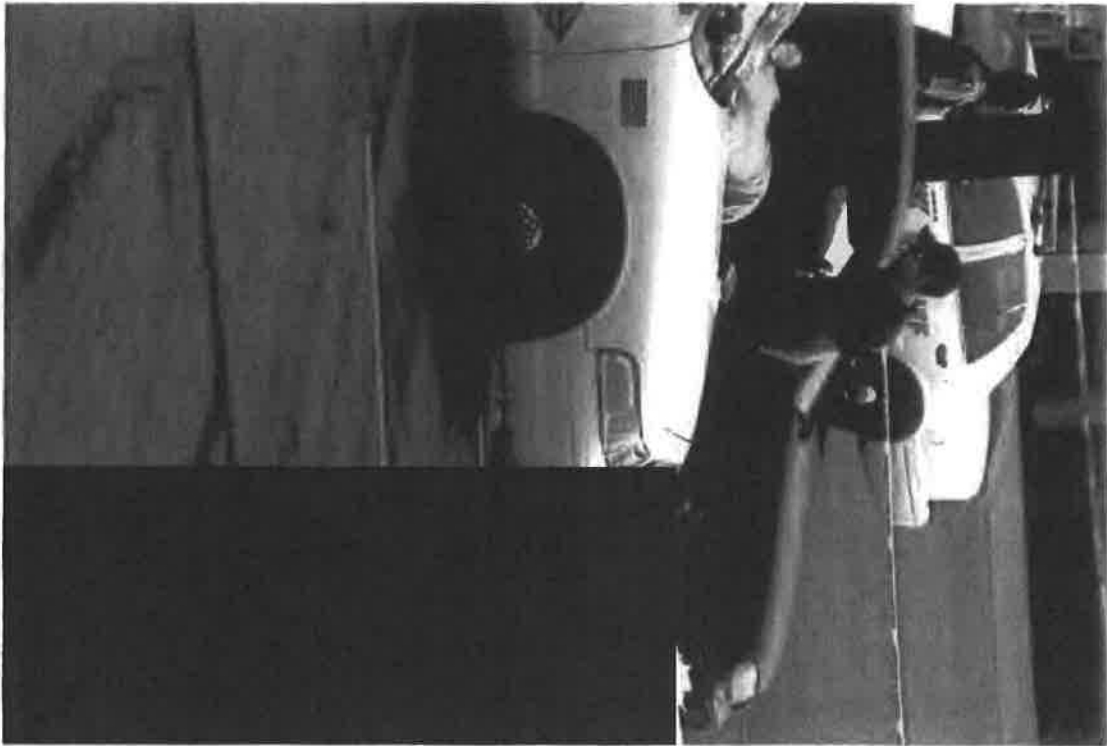
[REDACTED] did not hear any gunshots and she did not witness the shooting.

[REDACTED] asked if I had [REDACTED] statement. [REDACTED] was at the church when the shooting happened, and he claimed to have witnessed it. [REDACTED] told other church members he had talked to somebody already, referring to someone in law enforcement. [REDACTED] knows [REDACTED] personally and provided me with his phone number for additional contact.

While at the church today (Sunday, June 30, 2013), [REDACTED] overheard a rumor that the suspect who was shot had attempted to rob the Kragen Auto Parts across the street from the church. When deputies contacted the suspect in the church parking lot, deputies could not extricate the suspect from inside the suspect's vehicle, and the suspect was tased and shot. The woman who was with the suspect was yelling and screaming.

[REDACTED] had nothing else to add and I ended the interview. The photographs I obtained from [REDACTED] are attached to this report. I also place a copy of the digital images in the electronic case file.

REPORTING OFFICER Det. A. Avila [REDACTED]	DATE 7/2/13	REVIEWED BY 	TYPED BY JB	ROUTED BY	DATE
INTER ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Other <input type="checkbox"/> SD/PD <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS	





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**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.

141302397

REPORT AREA

H# 2013-056

SECTION PC 69		CRIME RESIST/OBSTRUC OFFICER BY FORCE	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME DIAZ	FIRST NAME ISMAEL	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS			PHONE

WITNESS CONTACT:

On Saturday, June 29, 2013, at approximately 2100 hours, I was assigned to contact witnesses at First Baptist Church located at 34784 Yucaipa Boulevard, Yucaipa. The contact with the witnesses at First Baptist Church was an attempt to locate any possible witnesses to the officer involved shooting. During the contact at the church, I spoke with the following people:



All of the above people were contacted at First Baptist Church and claimed to be inside the building at the time of the officer involved shooting. All of the above noted people claimed they did not hear or see the shooting take place and were unable to provide any information regarding the incident. All contacts with the above persons were recorded and copies of the audio recordings were placed with the case file for documentation.

REPORTING OFFICER DET. E. BACHMAN	DATE 7/11/13	REVIEWED BY 	TYPED BY Rochelle	ROUTED BY	DATE
FURTHER ACTION: 3 NO	COPIES TO: Detective Dist. Atty.		Other CII Petrol	REMARKS	

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.

141302397

REPORT AREA

H# 2013-056

SECTION PC 69		CRIME RESIST/OBSTRUC OFFICER BY FORCE	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME DIAZ	FIRST NAME ISMAEL	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS			PHONE


WITNESS INTERVIEW - [REDACTED]

On Sunday, June 30, 2013, at approximately 1130 hours, I contacted [REDACTED] outside her residence. The following is a summary of [REDACTED] recorded statement.

Upon contact with [REDACTED] I explained to her we were conducting follow up investigation regarding the officer involved shooting that took place on June 29, 2013. [REDACTED] was familiar with the investigation we were conducting and knew the situation stemmed from an incident at her neighbor's residence. [REDACTED] claimed she did not personally know the involved parties, but did know [REDACTED] and [REDACTED] were her neighbors. [REDACTED] believed [REDACTED] was friends with Merlin Factor and had seen Factor come and go from the residence in the past.

Orta did not see Factor throw the rock through the window; however, was told by [REDACTED] later that Factor caused the damage to their window. [REDACTED] did not hear or see anything else regarding the incident.

[REDACTED] had no additional information and I concluded the interview.

REPORTING OFFICER DET. E. BACHMAN [REDACTED]	DATE 7/11/13	REVIEWED BY 	TYPED BY Rochelle	ROUTED BY	DATE
FURTHER ACTION: 3 NO	COPIES TO: Detective Dist. Atty.		Other CII Patrol		REMARKS

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600

CASE NO.

141302397

REPORT AREA

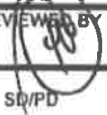
H# 2013-056

SECTION PC 69		CRIME RESIST/OBSTRUC OFFICER BY FORCE	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME DIAZ	FIRST NAME ISMAEL	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS			PHONE

ATTEMPTED NEIGHBOR CONTACTS:

On Sunday, June 30, 2013, at approximately 1125 hours, I attempted contact with neighbors of [REDACTED] and [REDACTED] attempting to locate any possible witnesses to the original vandalism call. On contact at [REDACTED], I spoke with a White male adult who was extremely uncooperative. I explained to the subject my reason for contact at his residence and he informed me if he had seen or heard anything he would not tell me. The subject refused to provide me with any personal information to document his identification and closed the door.

I attempted contact at [REDACTED]; however, no one was home at the location and I was unable to contact anyone inside. I attempted contact at [REDACTED]; however, the trailer appeared vacant and no residents were contacted.

REPORTING OFFICER DET. E. BACHMAN	DATE 7/11/13	REVIEWED BY 	TYPED BY Rochelle	ROUTED BY	DATE
FURTHER ACTION: S NO	COPIES TO: Detective Dist. Atty.		Other CII Patrol	REMARKS	

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COUNTY OF SAN BERNARDINO
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H-2013-056
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C. SECTION PC 69 / 245 (C)		CRIME Resisting / Assault on a Peace Officer	CLASSIFICATION Assault / OIS
VICTIM'S NAME - LAST NAME Diaz,	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE	

OTHER PARTY CONTACT: [REDACTED]

On Sunday, June 30, 2013, at 1130 hours, I interviewed [REDACTED] inside her residence. No other detective was present during the interview. The following is a summary of [REDACTED] recorded statement.

[REDACTED] and her roommate, [REDACTED], have lived together for approximately two years. [REDACTED] and [REDACTED] lived in the trailer west of [REDACTED] trailer. [REDACTED] did not know her female neighbor, [REDACTED] and referred to [REDACTED] as an unknown female during the interview. [REDACTED] knew [REDACTED] husband, [REDACTED] but she did not have a lot of contact with either [REDACTED] or [REDACTED].

On Thursday, June 29, 2013, [REDACTED] was not home at the time Merlin Factor broke [REDACTED] kitchen window. [REDACTED] arrived home from work and 1430 hours and at about 1530 hours, [REDACTED] was in her home when a deputy showed up at [REDACTED] trailer ([REDACTED]). The deputy told [REDACTED] he was at [REDACTED] trailer reference a report of a broken car window, and the deputy asked [REDACTED] if she had seen [REDACTED]. Shortly thereafter, a female officer arrived at [REDACTED] trailer and began to hang yellow caution tape around [REDACTED] trailer.

[REDACTED] stated [REDACTED] and [REDACTED] had shouting matches on a regular basis, but [REDACTED] did not believe the shouting necessitated to call the police.

On an unknown date and time, [REDACTED] told [REDACTED] there was another person who lived in [REDACTED] trailer who beat [REDACTED] twice and gave her a black eye within the last ten days. [REDACTED] did not know when the assault happened, but the police should have it documented. [REDACTED] also told [REDACTED] the police were looking for a subject named Merlin. [REDACTED] did not know who blacked [REDACTED] eye, as there was a lot of bickering heard within [REDACTED] trailer.

[REDACTED] suggested I speak with [REDACTED] who was unemployed and spent most of his time in the trailer. At the time of my contact, [REDACTED] was in Banning helping a friend and he did not have a cell phone.

REPORTING OFFICER Det. A. Avila [REDACTED]	DATE 072513	REVIEWED BY [Signature]	TYPED BY	ROUTED BY	DATE 8/6/13
FOLLOWER ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO		COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS	

SHERIFF'S DEPARTMENT
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SECTION PC 69 / 245 (C)		CRIME Resisting / Assault on a Peace Officer	CLASSIFICATION Assault / OIS
VICTIM'S NAME - LAST NAME Diaz,	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE

OTHER PARTY CONTACT: [REDACTED] (continued)

[REDACTED] knew Merlin; she met him about ten years ago. Merlin and [REDACTED] used to be friends. [REDACTED] made it known to Merlin and [REDACTED] she did not like Merlin. Merlin was only 16 or 17 years old and talked about devil worship, darkness, and negativity. [REDACTED] had not seen Merlin for about eight or nine years until he started to come around because he associated with [REDACTED]. When Merlin started coming around [REDACTED] trailer, [REDACTED] was polite to him but kept her distance. [REDACTED] last saw Merlin walking by her residence last week, but he did not stop.

[REDACTED] did not know if Merlin ever lived with [REDACTED] and she believed the shouting matches she heard from [REDACTED] trailer were between [REDACTED] and [REDACTED]. The shouting matches were spontaneous and consisted of cuss words and an occasional "thump." [REDACTED] did not know if Merlin has been involved in any of the shouting matches she heard at [REDACTED] trailer. [REDACTED] also did not know if Merlin ever lived in [REDACTED] trailer, and again referred me to [REDACTED]. [REDACTED] had nothing else to add and I ended the interview.

REPORTING OFFICER Det. A. Avila [REDACTED]	DATE 072513	REVIEWED BY	TYPED BY	ROUTED BY	DATE
FINAL ACTION: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Other <input type="checkbox"/> SD/PD <input type="checkbox"/> Other <input type="checkbox"/> Patrol		REMARKS		

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COUNTY OF SAN BERNARDINO
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CA 03600

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REPORT AREA

H-2013-056

SECTION

PC 69/245 (c)

CRIME

Resisting Arrest/ ADW on a Peace Officer

CLASSIFICATION

Assault / OIS

VICTIM'S NAME - LAST NAME

FIRST NAME

MIDDLE NAME

(FIRM NAME IF BUSINESS)

Diaz

Ismael

ADDRESS

RESIDENCE

PHONE

OTHER PARTY CONTACT -

On Saturday, June 29, 2013, at 2123 hours, I interviewed [REDACTED] in my unmarked vehicle outside the Yucaipa Sheriff's Station. I recorded the interview and a copy was kept with the case file. The following is a summary of [REDACTED] statement.

[REDACTED] was the sister of Merlin Factor. [REDACTED] and she was emotional during the interview. [REDACTED] and [REDACTED] lived in the same mobile home park. Merlin's mother was [REDACTED], and she lived in [REDACTED]. Merlin's father was [REDACTED] but [REDACTED] did not know where [REDACTED] lived and could not provide me with a phone number for contact. [REDACTED]

Before 2011, Merlin was an alcoholic, but he had stopped drinking for a while. During the past year or two, Merlin began using methamphetamine, prescribed medications, and other drugs. [REDACTED] she had a conversation with Merlin about his lifestyle, and she tried to change him. [REDACTED] last talked with Merlin about his drug abuse around June 5, 2013.

On Thursday, June 27, 2013, Merlin was running through [REDACTED] front yard. [REDACTED] learned Yucaipa deputies were looking for Merlin because he assaulted an unknown girl in a green car. [REDACTED] did not know the girl's name, but I was able to ascertain [REDACTED] was referring to [REDACTED] because of her reference to the green car. A deputy was talking with [REDACTED] during the search for Merlin. At that time, [REDACTED] walked up and directed deputies to Merlin's location in the trailer park next to hers. At approximately 0830 hours, Merlin and [REDACTED] talked on the phone. Merlin was upset with [REDACTED] because he felt she snitched him off to the police. Merlin was homeless and had been hanging out from, "Dope house to dope house." [REDACTED] felt that if she told deputies where Merlin was, he would go to jail and change his lifestyle. According to [REDACTED] Merlin had assaulted [REDACTED] two times and the police would have record of it.

REPORTING OFFICER

Det. M. Avila [REDACTED]

DATE

7/3/13

REVIEWED BY

SG

TYPED BY

JB

ROUTED BY

DATE

7/25/13

FILED ACTION:

☐ NO

COPIES TO:

☐ Detective

☐ Dist. Atty.

☐ Other

☐ CII

☐ Patrol

☐ SD/PD

☐ Other

REMARKS

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

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141302397

REPORT AREA

H-2013-056

CL SECTION

PC 69/245 (c)

CRIME

Resisting Arrest/ ADW on a Peace Officer

CLASSIFICATION

Assault / OIS

VICTIM'S NAME - LAST NAME

FIRST NAME

MIDDLE NAME

(FIRM NAME IF BUSINESS)

Diaz

Ismael

ADDRESS

RESIDENCE

PHONE

OTHER PARTY CONTACT - [REDACTED] (continued)

Merlin and [REDACTED] started their relationship about seven or eight months ago after Merlin got out of a rehabilitation center. Merlin was living with [REDACTED] for a while [REDACTED].

Merlin told [REDACTED] that [REDACTED] was crazy just like [REDACTED], referring to [REDACTED]. Merlin complained he did not know why he kept finding these girls, "Who are like [REDACTED]." [REDACTED] explained drug addiction runs in her family.

Two or three months ago, Merlin and [REDACTED] relationship started declining and [REDACTED] kicked Merlin out of the trailer and [REDACTED] brought her boyfriend, [REDACTED] to live with her. However, Merlin and [REDACTED] kept seeing each other.

Merlin continued to use drugs. [REDACTED] told Merlin she did not want him at her house anymore, and she denied Merlin food and the use her house phone. [REDACTED] explained that on an unknown date and time, she caught Merlin making a pill deal over her house phone, and she told him to stay out of her trailer until he was sober. [REDACTED] did not know how often Merlin used drugs because she tried to distance herself as much as possible.

Merlin and [REDACTED] continued their relationship, but the relationship only worsened. [REDACTED] did not know all the details of Merlin and [REDACTED] relationship because she did not talk with Merlin for periods of two or three months at a time.

On a different occasion, before the incident on Thursday, June 27, 2013, Merlin called [REDACTED] from a blocked number. [REDACTED] asked Merlin what was he doing because three patrol cars and the Sheriff's helicopter were looking for him. Merlin believed the whole world was against him, but [REDACTED] believed Merlin felt that way because of the drug use. Merlin told [REDACTED] that [REDACTED] treated [REDACTED] like crap, there were needles all over the trailer, and [REDACTED] repeatedly told her [REDACTED] that she wished she never had her.

REPORTING OFFICER

Det. M. Avila [REDACTED]

DATE

7/3/13

REVIEWED BY

TYPED BY

JB

ROUTED BY

DATE

FOLLOW UP ACTION:

☐ NO

COPIES TO:

☐ Other

☐ SD/PD

☐ Detective

☐ CII

☐ Other

☐ Dist. Atty.

☐ Patrol

REMARKS

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
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CL. SECTION PC 69/245 (c)		CRIME Resisting Arrest/ ADW on a Peace Officer	CLASSIFICATION Assault / OIS
VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS			PHONE
RESIDENCE			

OTHER PARTY CONTACT - [REDACTED] (continued)

After [REDACTED] learned about the child abuse, she made an anonymous report to Child Protective Services (CPS). [REDACTED] thought the needles all over the house were disgusting.

[REDACTED] said [REDACTED] has also beat Merlin in the past. Two months ago, unknown exact date, [REDACTED] friend, [REDACTED], saw Merlin exit [REDACTED] car at the Valero Gas Station at Wildwood Canyon Road and California Street. Merlin had scratch marks all over his face. [REDACTED] described Merlin and [REDACTED] relationship as a sick one. [REDACTED] also asked Merlin why he kept going back to [REDACTED] house when she called the police on him all the time.

Today, Saturday, June 29, 2013, [REDACTED] was at the pool with her kids when she saw [REDACTED] leave the trailer park in a green vehicle, but Merlin was not in the car. When the shooting happened on Yucaipa Boulevard, [REDACTED] started asking about it because she was trying to find out if Merlin was the suspect involved. [REDACTED] told [REDACTED] she saw [REDACTED] and Merlin in a green car near Third Street and Wildwood Canyon Road around 1600 hours.

[REDACTED] did not know about the events preceding the shooting, but she knew her brother was dead. I confirmed to [REDACTED] that Merlin had died as a result of his injuries. [REDACTED] started crying and began saying she should have helped him. [REDACTED] said Merlin was crazy because of the drug use, and if he were not using drugs, he would not be acting the way he did.

I provided [REDACTED] a brief description of the events preceding the shooting. [REDACTED] believed whatever happened earlier in the day, referring to Merlin breaking [REDACTED] window with a rock, was not so bad when [REDACTED] had Merlin in her car. [REDACTED] held [REDACTED] responsible for Merlin's shooting. Merlin was not a woman beater, and whatever happened with [REDACTED] was mutual combat based on Merlin's statements to [REDACTED] about his relationship with [REDACTED]

REPORTING OFFICER Det. M. Avila [REDACTED]	DATE 7/3/13	REVIEWED BY	TYPED BY JB	ROUTED BY	DATE
FOR ACTION: <input type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS		

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COUNTY OF SAN BERNARDINO
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REPORT AREA

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CU. SECTION

PC 69/245 (c)

CRIME

Resisting Arrest/ ADW on a Peace Officer

CLASSIFICATION

Assault / OIS

VICTIM'S NAME - LAST NAME

FIRST NAME

MIDDLE NAME

(FIRM NAME IF BUSINESS)

Diaz

Ismael

ADDRESS

RESIDENCE

PHONE

OTHER PARTY CONTACT - [REDACTED] (continued)

According to [REDACTED] Merlin did not have any psychiatric problems but suffered from drug addiction.

I offered [REDACTED] the services of the Yucaipa Sheriff's Station Chaplain, but she declined. [REDACTED] had nothing else to add and I ended the interview at 2208 hours.

After I ended the interview with [REDACTED] I called her to ask her if she had ever seen or known Merlin to carry a gun or knives on his person. This contact was not recorded. [REDACTED] stated she had never seen or known Merlin to carry or possess a gun or a knife.

REPORTING OFFICER

Det. M. Avila [REDACTED]

DATE

7/3/13

REVIEWED BY

TYPED BY

JB

ROUTED BY

DATE

FOLLOW UP ACTION:

☐ YES ☐ NO

COPIES TO:

☐ Other

☐ SD/PD

☐ Detective

☐ CII

☐ Other

☐ Dist. Atty.

☐ Patrol

REMARKS

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
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CA 03600**

CASE NO.

DR#141302397

REPORT AREA

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SECTION PC 69		CRIME Resist/Obstruct Officer	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE

AUTOPSY:


On Tuesday, July 2, 2013, at approximately 0900 hours, I was assigned to attend the autopsy for Merlin Factor, date of birth 06/18/1987. The autopsy was performed at the Riverside County Coroner's office.

Personnel Present:

- Pathologist: Dr. J. Park – Riverside County Coroner Division
- Coroner Technician: A. Parks # [REDACTED] – Riverside County Coroner Division
- Forensic Technician: T. Conrad # [REDACTED]
- Detective: Edward Bachman # [REDACTED] – San Bernardino County Sheriff's Department
- Crime Scene Specialist: Aurelio Martinez # [REDACTED] – San Bernardino County Sheriff's Department

Suspect Information:

- Name: Merlin Factor
- Sex: Male
- Race: White
- Date of Birth: June 18, 1987
- Date of Death/Time: June 29, 2013 1720 hours
- Height: 70"
- Weight: 150 Lbs.
- Hair: Brown
- Eyes: Brown

REPORTING OFFICER Det. E. Bachman (B9091)	DATE 7/5/13	REVIEWED BY 	TYPED BY JB	ROUTED BY	DATE
FURTHER ACTION: S <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS		

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DR#141302397

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SECTION PC 69	CRIME Resist/Obstruct Officer	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE

AUTOPSY (continued)

Body Description:

When I arrived at the Coroner's office, Factor's body was lying on the autopsy table in a yellow plastic body bag marked with the writing Factor, Merlin 701304849 on the outside. Bag Lock #4795436 was still intact on the body bag. The bag lock was broken at 0935 hours.

Factor's body was inside the bag, lying in a supine position, wrapped in a white hospital sheet soaked with blood. Two dark blue socks were located inside the body bag, near Factor's feet. Factor had a medical strap affixed around his head, securing a breathing tube in his mouth. Factor had medical EKG style pads affixed to his shoulders, chest and lower abdomen. Factor had an IV tube in his chest and quick-clot residue on his chest and side. Factor had a Redlands Community Hospital medical bracelet, with his name and 06/29/13 on his right wrist. Factor had IV tube inserted in both shins and Toe Tag #30960 affixed to his right big toe.

Tattoos:

Right Upper arm – Wizard
Right Calf – Skulls
Right Shoulder- [REDACTED]

External Injuries:

During the external examination of Factor, he was found to have numerous gunshot wounds to his person. Factor had a gunshot entry wound to the outside of his right bicep, which exited the inner portion of his right bicep. The same round reentered the upper right portion of Factor's chest/side and struck soft tissue. Factor had a gunshot wound to the right elbow, which fragmented and broke Factor's radius and ulna bones in his right arm.

Factor had a total of nine gunshot wounds down the right side of his torso, extending from Factor's right axilla to the right side of his waistline. One of the gunshot wounds entered the upper portion of Factor's right side and exited a hole in the center of Factor's chest. A separated gunshot wound (on Factor's torso) entered his right side, exited above the entry wound and grazed the back portion of Factor's right axilla.

REPORTING OFFICER Det. E. Bachman [REDACTED]	DATE 7/5/13	REVIEWED BY [Signature]	TYPED BY JB	ROUTED BY	DATE
FURTHER ACTION: [] YES [] NO	COPIES TO: [] Detective [] Dist. Atty.	[] Other [] CII [] Patrol	[] SD/PD [] Other	REMARKS	

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.

DR#141302397

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H#2013-056

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SECTION PC 69		CRIME Resist/Obstruct Officer	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS			PHONE

AUTOPSY (continued)

External Injuries continued:

Factor was found to have a cut on his left index finger and bruising to his right hand. Factor had scratches on the underside of his left forearm, tricep, elbow and had an abrasion to his right elbow and bruising in his right axilla.

X-ray Examination:


The x-ray examination of Factor's body showed nine fired bullets were inside Factor's torso/chest, right arm and abdomen.

Internal Examination:

During the internal examination, Factor was found to have a significant amount of internal bleeding and a large amount of the blood was removed from Factor's chest cavity.

The nine fired bullets shown in the x-ray examination were removed from the following locations:

- Right forearm (bullet fragmented)
- Center chest at the top of the abdomen
- Left side below the nipple line
- Left mid abdomen
- Left rib #7
- Left abdomen in the back
- Left abdomen near the spleen
- Left lung
- Left axilla

REPORTING OFFICER Det. E. Bachman	DATE 7/5/13	REVIEWED BY 	TYPED BY JB	ROUTED BY	DATE
FURTHER ACTION: S <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS		

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COUNTY OF SAN BERNARDINO
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CA 03600

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VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS			PHONE

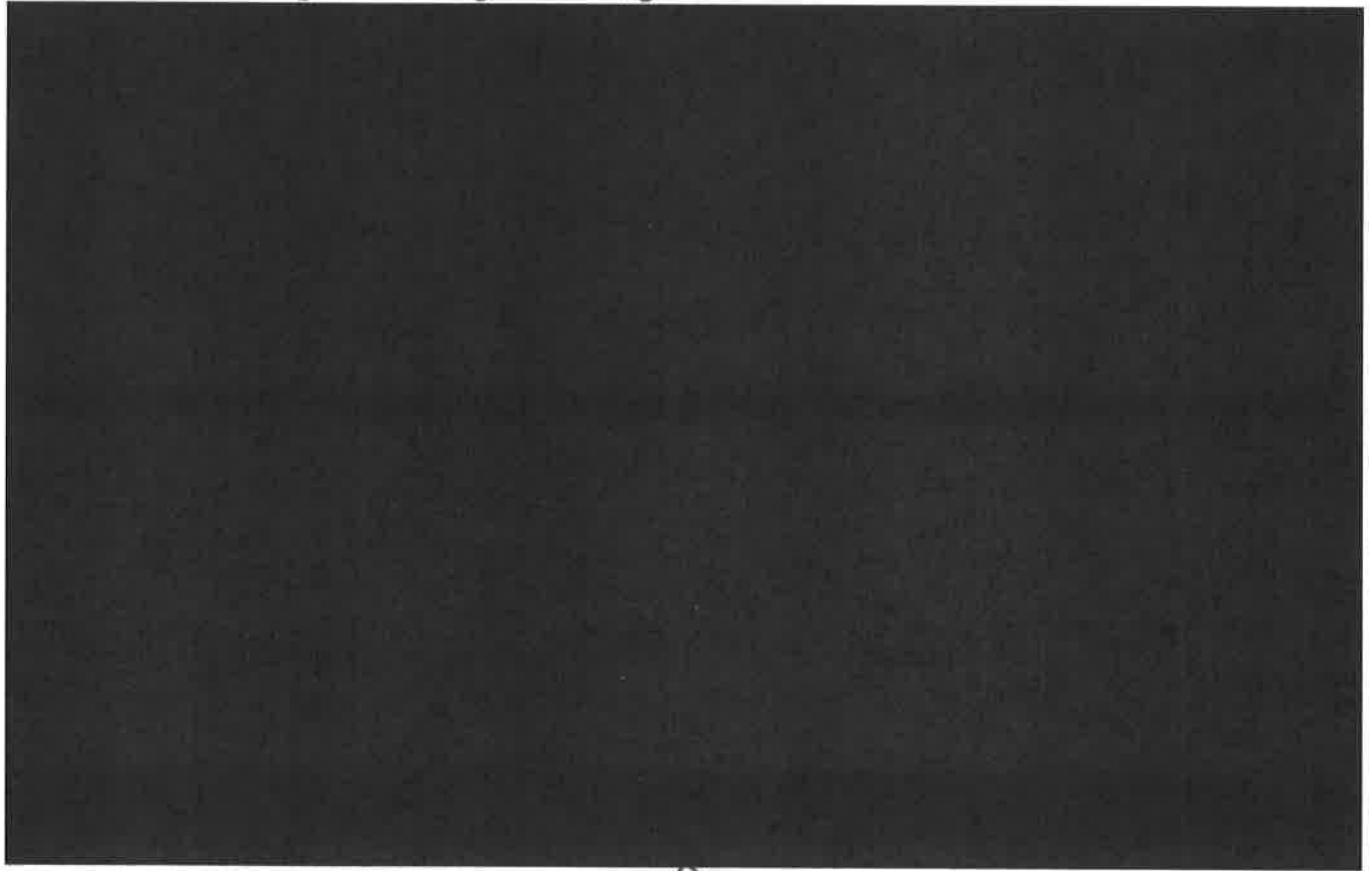
AUTOPSY (continued)

Internal Examination continued:

The bullets fired at Factor struck several vital organs including Factor's liver, right kidney, left lung, right lung, spleen and heart (bullet struck the aorta).

Bullet Path/Trajectory

The bullet path trajectory of the rounds was from right to left, in an upward direction, for all but one of the fired rounds. The remaining round traveled upward, on the right side of Factor's torso, exited his right side and grazed his right axilla.



REPORTING OFFICER Det. E. Bachman	DATE 7/5/13	REVIEWED BY 	TYPED BY JB	ROUTED BY	DATE
FURTHER ACTION: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Other <input type="checkbox"/> SD/PD <input type="checkbox"/> Other <input type="checkbox"/> Patrol		REMARKS		

**SHERIFF'S DEPARTMENT
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SECTION PC 69		CRIME Resist/Obstruct Officer	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME Diaz	FIRST NAME Ismael	MIDDLE NAME	(FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE

AUTOPSY (continued)

Cause of Death:

Dr. Park determined the cause of death to be multiple gunshot wounds, with death likely occurring within seconds.

REPORTING OFFICER Det. E. Bachman	DATE 7/5/13	REVIEWED BY 	TYPED BY JB	ROUTED BY	DATE
FURTHER ACTION: .S NO	COPIES TO:		REMARKS		
	Detective	Other	SD/ PD		
	Dist. Atty.	Patrol	Other		

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600

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E SECTION PC 69		CRIME RESIST / OBSTRUCT OFFICER	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME DIAZ		FIRST NAME ISMAEL	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE

VEHICLE PROCESSING:

On Tuesday, July 9, 2013, at approximately 0752 hours, Criminalist Trainee Justin Lyndes and I processed the vehicle involved in the officer involved shooting.

VEHICLE INFORMATION:

Year: 1998
Make: Chevrolet
Model: Malibu
Color: Green
License: [REDACTED]
VIN: [REDACTED]

When I arrived on scene, I located the 1998 green Chevrolet Malibu [REDACTED] backed into the secure vehicle storage at the San Bernardino Sheriff's Crime Lab. The gates surrounding the vehicle were locked and the keys were maintained by Lyndes. The driver side window on the vehicle was partially down and the passenger side window to the vehicle was completely down. I walked around the vehicle and found all evidence seals were intact and labeled by Lyndes on June 30, 2013, at 0325 hours. Lyndes took overall photographs of the vehicle prior to breaking the evidence seals.

After breaking the evidence seals, Lyndes took additional photographs of the inside of the vehicle, prior to searching the vehicle for additional evidence. After the photographs were complete, I began processing the interior of the vehicle.

On the driver seat of the vehicle, I located a Winchester silver folding knife (placard #1) lying on the driver side front seat. The knife was a folding knife with the blade locked in the open position.

REPORTING OFFICER DET. E. BACHMAN [REDACTED]	DATE 7/10/13	REVIEWED BY [Signature]	TYPED BY Rochelle	ROUTED BY	DATE
FURTHER ACTION: S <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Other <input type="checkbox"/> SD/PA <input type="checkbox"/> Patrol		REMARKS		

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SECTION PC 69		CRIME RESIST / OBSTRUCT OFFICER	CLASSIFICATION OIS
VICTIM'S NAME - LAST NAME DIAZ		FIRST NAME ISMAEL	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE

VEHICLE PROCESSING (cont.):

While processing the passenger side front seat of the vehicle, I observed blood stains on the passenger side front seat where the suspect, Merlin Factor, was seated. I located a fired bullet (placard #2) on the passenger side front floor mat. The fired bullet was mixed in with trash and other debris lying on the floorboard of the vehicle. On further inspection, the bullet appeared to have dried blood and tissue on it consistent with having struck Factor.

The driver side and passenger side front seats of the vehicle are separated by a gray plastic center console which extends from the dashboard back, even with the back of the front seats. Midway between the top of the dash and the floorboard, on the passenger side of the center console, I located a bullet hole (placard #3A). The trajectory of the bullet hole was found to be from right to left in a downward direction. The bullet traveled through the passenger side of the center console and exited the right side of the center console storage (placard #3B). The bullet re-entered / exited the bottom of the center console storage (placard #3C). I located a bullet hole entry (placard #3D) on the driver side floorboard of the vehicle under the brake pedal. The bullet path/trajectory appeared to be consistent with that of placards 3A-3C. After the vehicle was processed and trajectory was photographed, I lifted the carpet on the driver side floorboard of the vehicle. I recovered a fired bullet that perforated the carpet, but did not penetrate the floor.

Below placard #3A, I located a second bullet hole (placard #4) on the passenger side of the center console below the dashboard. Based on the size and location of the hole, the trajectory of the hole was consistent with having been struck by the fired bullet recovered at placard #2. Blood spatter was located on the center console, near placard #4. Lyndes obtained a sample of the blood for DNA comparison.

TRAJECTORY:

The trajectory of the fired rounds was from right to left in a downward direction. The round fired in placard #3A - 3D was at approximately 19 degrees downward. The round fired was approximately 50 degrees out, from zero degrees, if the center line of the car was zero degrees.

REPORTING OFFICER DET. E. BACHMAN	DATE 7/10/13	REVIEWED BY (Signature)	TYPED BY Rochelle	ROUTED BY	DATE
FURTHER ACTION: LS <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.		<input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol		REMARKS

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VICTIM'S NAME - LAST NAME DIAZ		FIRST NAME ISMAEL	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS		RESIDENCE	PHONE


VEHICLE PROCESSING (cont.):

PLACARDS:

- Placard #1 – Winchester silver folding knife
- Placard #2 – Fired bullet
- Placard #3A – Bullet hole entry passenger side center console
- Placard #3B – Bullet hole exit center console storage
- Placard #3C – Bullet re-entry / exit center console storage
- Placard #3D – Bullet hole entry floorboard
- Placard #4 – Bullet hole entry passenger side center console

EVIDENCE COLLECTED:

- Winchester silver folding knife (placard #1)
- Fired bullet (placard #2)
- Fired bullet (below placard #3D)
- Blood swab from blood spatter (near placard #4)

REPORTING OFFICER DET. E. BACHMAN	DATE 7/10/13	REVIEWED BY 	TYPED BY Rochelle	ROUTED BY	DATE
FURTHER ACTION: S <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS		

VEHICLE REPORT
CHP 180 (Rev. 6-10) OPI 061

NOTE: CHP 180 IS FURNISHED TO ALL PEACE OFFICERS BY THE CALIFORNIA HIGHWAY PATROL

P		VEHICLE DEPARTMENT 20-60	LOCATION CODE 3600	DATE / TIME OF REPORT 6/30/13	NOTICE OF STORED VEHICLE DELIVERED PERSONALLY <input type="checkbox"/>	FILE NO. 141302397
VEHICLE TOWED / STOLEN FROM 34784 W. CA. RD. 414.		ODOMETER READING		VIN CLEAR IN SVS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DATE / TIME DISPATCH NOTIFIED 6/30/13 0220	
YEAR 98	MAKE Chevrolet	MODEL malibu	BODY TYPE 40	COLOR GRY	LICENSE NO. [REDACTED]	LOG NO. 40
VEHICLE IDENTIFICATION NO. [REDACTED]			ENGINE NO. [REDACTED]	VALUATION BY <input checked="" type="checkbox"/> OFFICER <input type="checkbox"/> OWNER		
REGISTERED OWNER [REDACTED]			LEGAL OWNER <input type="checkbox"/> SAME AS R/O <input type="checkbox"/>			

☒ **STORED** ☐ **IMPOUNDED** ☐ **RELEASED** ☐ **RECOVERED - VEHICLE / COMPONENT**

TOWING / STORAGE CONCERN (NAME, ADDRESS, PHONE)
PELE'S TOW 2000 E. CATAL 951-682-5682

TOWED TO / STORED AT
200 S. LEA ST. SAN BERNARDINO

CONDITION	YES	NO	ITEMS	YES	NO	ITEMS	YES	NO	ITEMS	YES	NO	TIRES / WHEELS	CONDITION
WRECKED		<input checked="" type="checkbox"/>	SEAT (FRONT)		<input checked="" type="checkbox"/>	REGISTRATION		<input checked="" type="checkbox"/>	CAMPER		<input checked="" type="checkbox"/>	LEFT FRONT	FAIL
BURNED HULK per 431(c) CVC		<input checked="" type="checkbox"/>	SEAT (REAR)		<input checked="" type="checkbox"/>	ALT. / GENERATOR		<input checked="" type="checkbox"/>	VESSEL AS LOAD		<input checked="" type="checkbox"/>	RIGHT FRONT	FAIL
VANDALIZED		<input checked="" type="checkbox"/>	RADIO		<input checked="" type="checkbox"/>	BATTERY		<input checked="" type="checkbox"/>	FIREARMS		<input checked="" type="checkbox"/>	LEFT REAR	FAIL
ENG. / TRANS. STRIP		<input checked="" type="checkbox"/>	TAPE DECK		<input checked="" type="checkbox"/>	DIFFERENTIAL		<input checked="" type="checkbox"/>	OTHER		<input checked="" type="checkbox"/>	RIGHT REAR	FAIL
MISC. PARTS STRIP		<input checked="" type="checkbox"/>	TAPES		<input checked="" type="checkbox"/>	TRANSMISSION		<input checked="" type="checkbox"/>				SPARE	FAIL
BODY METAL STRIP		<input checked="" type="checkbox"/>	OTHER RADIO		<input checked="" type="checkbox"/>	AUTOMATIC		<input checked="" type="checkbox"/>				HUB CAPS	FAIL
STRIP per 431(b) CVC		<input checked="" type="checkbox"/>	IGNITION KEY		<input checked="" type="checkbox"/>	MANUAL		<input checked="" type="checkbox"/>				SPECIAL WHEELS	FAIL

VEHICLE TO: ☒ R/O OR AGENT ☐ AGENCY HOLD ☐ 22850.3 CVC

GARAGE PRINCIPAL / AGENT STORING VEHICLE (SIGNATURE)
[REDACTED] DATE / TIME
6/30/13 02:53

NAME OF PERSON / AGENCY AUTHORIZING RELEASE
[REDACTED] I.D. NO. **[REDACTED]** DATE
7/1/13

SIGNATURE OF PERSON AUTHORIZING RELEASE
[REDACTED] CERTIFICATION: I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM LEGALLY AUTHORIZED AND ENTITLED TO TAKE POSSESSION OF THE ABOVE DESCRIBED VEHICLE

☐ **STOLEN VEHICLE / COMPONENT** ☐ **EMBEZZLED VEHICLE** ☐ **PLATE(S) REPORT**

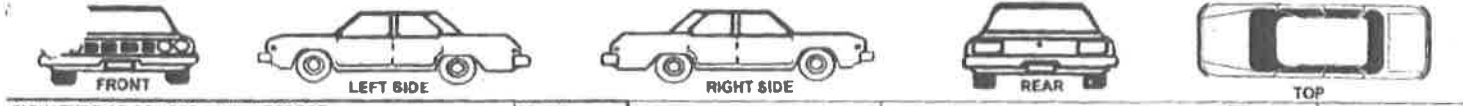
DATE / TIME OF OCCURRENCE	DATE / TIME REPORTED	NAME OF REPORTING PARTY (R/P)	DRIVER LICENSE NO. / STATE
LAST DRIVER OF VEHICLE	DATE / TIME	ADDRESS OF R/P	TELEPHONE OF R/P ()

I CERTIFY OR DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

REMARKS
(LIST PROPERTY, TOOLS, VEHICLE DAMAGE, ARRESTS)

DRIVER'S NAME [REDACTED]	ARRESTED / SECTION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	REPORTED BY [REDACTED]	CARGO / TYPE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	VALUE \$ [REDACTED]
------------------------------------	--	----------------------------------	--	-------------------------------

SERVICE CHARGE YES ☐ NO ☒
Drunk Traffic and Presented Fight with Debts. Drunk
Struggle with Fight and Reached
for a Weapon and Debts shot him for food
for their safety.



SIGNATURE OF OFFICER TAKING REPORT [REDACTED]	I.D. NO. [REDACTED]	SUPERVISOR [REDACTED]	REQUIRED NOTICES SENT TO REGISTERED AND LEGAL OWNERS PER 22852 CVC? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE NOTIFIED
---	-------------------------------	---------------------------------	--	---------------

**SHERIFF'S DEPARTMENT
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CALIFORNIA**

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CASE NO. 141302397 H 2013-056
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CA 03600

SECTION 9	CRIME Resist Obstruct Officer by Force	CLASSIFICATION Felony - Knife
VICTIM'S NAME - LAST NAME Deputy Joseph Perea	FIRST NAME And	MIDDLE NAME Deputy Ismael Diaz
ADDRESS		PHONE

VIDEO REQUEST: WALGREENS


On Saturday, 06/29/2013, at about 2303 hours, I went to Walgreen's at 34503 Yucaipa Boulevard, Yucaipa, and spoke with [REDACTED]. We reviewed the video footage from Walgreens and I observed Factor entering Walgreens, with [REDACTED], at 15:42:40 hours on the video system. [REDACTED] downloaded the video footage onto a compact disc and gave it to me. [REDACTED] told me [REDACTED] was working the front counter and may have spoken with Factor or [REDACTED].

WITNESS: [REDACTED]

On Saturday, 06/29/2013, at about 2325 hours, I spoke with [REDACTED] in the office at Walgreens. The following is a summary of what [REDACTED] told me. The interview was not recorded.

[REDACTED] saw the male and female on the video footage and recalled their transactions. The male, Merlin Factor, and the female, [REDACTED], approached the front counter to make separate purchases. Factor set a milk product on the counter and [REDACTED] made a comment to Factor about whether he really needed the milk. Factor told [REDACTED] he guessed he did not and asked [REDACTED] to return the milk. [REDACTED] then placed two Gatorades on the counter along with another item. Factor made comments to [REDACTED] about him not being able to purchase milk but [REDACTED] got to purchase Gatorades. [REDACTED] told Factor she needed the Gatorade because she did not feel well. Factor told [REDACTED] he did not believe anything she said. [REDACTED] stopped listening to the exchanges between Factor and [REDACTED] because of the way Factor was speaking to [REDACTED]. [REDACTED] believed [REDACTED] was going to cry during the exchange at the counter.

[REDACTED] described the exchanges between Factor and [REDACTED] as a "couple heading to court to get a divorce." [REDACTED] believed Factor and [REDACTED] "despised each other."

REPORTING OFFICER Detective Ryan Ford, [REDACTED]	DATE 063013	REVIEWED BY 	TYPED BY ref	ROUTED BY	DATE
ER ACTION: <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol	<input type="checkbox"/> SD/PD <input type="checkbox"/> Other	REMARKS		

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA

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REPORT AREA

YC106

CA 03600

SECTION PC 269	CRIME Resist Obstruct Officer by Force	CLASSIFICATION Felony - Knife	
VICTIM'S NAME - LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Deputy Joseph Perea	And	Deputy Ismael Diaz	
ADDRESS	RESIDENCE	PHONE	

VIDEO REQUEST: USA GASOLINE

On Saturday, 06/29/2013, at about 2345 hours, I spoke with [REDACTED] at USA Gasoline. USA Gasoline is located at 34696 Yucaipa Blvd, Yucaipa, with a phone number of (909) 797-6300. [REDACTED] was not working when the incident happened but did talk to [REDACTED] about what [REDACTED] saw. [REDACTED] told [REDACTED] she saw the couple pull into the gas station and watched the male walk away from the female and then the female drove after the male. Two patrons told [REDACTED] to call 911.

[REDACTED] did not answer her telephone when [REDACTED] tried to call her. [REDACTED] provided me with a phone number to contact [REDACTED] in the morning.

[REDACTED] was unable to access the video footage and requested I contact [REDACTED] at [REDACTED] in the morning.

On Monday, 07/01/2013, [REDACTED] contacted me regarding the video from USA Gasoline. [REDACTED] of USA Gasoline and utilizes the video surveillance system. [REDACTED] advised the video only records the front door. The parking lot is not recorded.

REPORTING OFFICER Detective Ryan Ford, [REDACTED]	DATE 063013	REVIEWED BY [REDACTED]	TYPED BY ref	ROUTED BY	DATE
TER ACTION: <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> Other <input type="checkbox"/> CI <input type="checkbox"/> Patrol	<input type="checkbox"/> SD/PO <input type="checkbox"/> Other	REMARKS	

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
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CA 02600

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SECTION r - 09		CRIME Resist Obstruct Officer by Force	CLASSIFICATION Felony - Knife
VICTIM'S NAME - LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Deputy Joseph Perea	And	Deputy Ismael Diaz	
ADDRESS			PHONE
RESIDENCE			

VIDEO REQUEST: DEL TACO

On Sunday, 06/30/2013, at about 0005 hours, I spoke with [REDACTED] at the Del Taco, 34860 Yucaipa Boulevard, Yucaipa. [REDACTED] told me the video system at Del Taco was not operable and would not have recorded what occurred.

REPORTING OFFICER Detective Ryan Ford, [REDACTED]	DATE 063013	REVIEWED BY [Signature]	TYPED BY ref	ROUTED BY	DATE
RE ACTION: <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.		<input type="checkbox"/> Other <input type="checkbox"/> SD/PA <input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol	REMARKS	

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YC106

SECTION PC 69	CRIME Resist Obstruct Officer by Force	CLASSIFICATION Felony - Knife	
VICTIM'S NAME - LAST NAME	FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)
Deputy Joseph Perea	And	Deputy Ismael Diaz	
ADDRESS	RESIDENCE	PHONE	

WITNESS INTERVIEW: [REDACTED]

On Sunday, 06/30/2013, at about 1144 hours, I talked with [REDACTED] at her residence in San Bernardino. The interview was digitally recorded. The following is a summary of what she told me.

[REDACTED] was working yesterday, [REDACTED] at the USA Gasoline in Yucaipa. [REDACTED] saw the suspect's vehicle (never described) parked at stall 3 in front of pump 3. Two other customers came into the store and told [REDACTED] to call 911 because the male and female were arguing in stall 3. [REDACTED] saw the male, Merlin Factor, walk away from the female, [REDACTED] Factor walked across the street (Yucaipa Boulevard) from USA Gasoline. [REDACTED] got into her vehicle and drove away.

[REDACTED] saw two deputies arrive in the area and drive around looking for the vehicle. [REDACTED] walked out into the lot and stood on the street corner. One of the deputies stopped at the car wash and spoke to the car wash attendants. The deputies then drove east on Yucaipa Boulevard and turned around to pull over the vehicle being driven by [REDACTED] [REDACTED] saw [REDACTED] get out of the vehicle and walk away. [REDACTED] recognized [REDACTED] and Factor as the same two who were parked in stall 3 of the gas station.

Two deputies approached the stopped vehicle. [REDACTED] saw one of the deputies shoot his handgun about ten times. [REDACTED] was unable to see where Factor was because of the angles the vehicles stopped. [REDACTED] assumed Factor was on the ground when the shots occurred because she was never able to see him stand up above the roof of the vehicle.

[REDACTED] heard from workers at the car wash that the deputies Tased Factor and Factor tried to pull a handgun from his waistband. [REDACTED] did not have any firsthand knowledge as to what occurred beside the vehicle at the time of the shooting because of her obstructed view.

REPORTING OFFICER Detective Ryan Ford, [REDACTED]	DATE 063013	REVIEWED BY [Signature]	TYPED BY ref	ROUTED BY	DATE
ER ACTION: <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol	<input type="checkbox"/> SD/PD <input type="checkbox"/> Other	REMARKS	

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
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YC106

SECTION r. 69		CRIME Resist Obstruct Officer by Force		CLASSIFICATION Felony - Knife	
VICTIM'S NAME - LAST NAME		FIRST NAME	MIDDLE NAME	(FIRM NAME IF BUSINESS)	
Deputy Joseph Perea		And	Deputy Ismael Diaz		
ADDRESS		RESIDENCE			PHONE

RECORDINGS:

On Sunday, 06/30/2013, I downloaded the recordings for [REDACTED] and [REDACTED] interviews. The recordings were copied onto a compact disc for reference. I gave the compact disc to Detective Mando Avila.

REPORTING OFFICER Detective Ryan Ford, [REDACTED]	DATE 063013	REVIEWED BY 	TYPED BY ref	ROUTED BY	DATE
FOR ACTION: <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.		<input type="checkbox"/> Other <input type="checkbox"/> SD/PP <input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol	REMARKS	

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600**

CASE NO.

141302397

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SECTION OIS	CRIME	CLASSIFICATION
VICTIM'S NAME - LAST NAME	FIRST NAME	MIDDLE NAME
		(FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE

Supplemental Report

Assignment

On Sunday June 30, 2013, at approximately 1645 hours, I was assigned to obtain video surveillance from the Arco AM-PM located at 34841 Yucaipa Blvd. Yucaipa Ca. This was for an officer involved shooting investigation that occurred in the area near the gas station on June 29, 2013. The investigator wanted video from all cameras for June 29, 2013 starting at 1500 hours and ending at 1700 hours. I arrived on at the gas station at 1830 hours.

Video Surveillance System

The video surveillance system was a Q-SEE 16 camera digital video recorded. I checked the DVR's date and time and found it was off -5 minutes from current time. Cameras 1 through 9 covered the area inside the AM-PM building. Cameras 10 through 16 covered the area outside of the building.

I was able to extract the video for all 16 cameras with a start time of 1455 to 1700 hours. The surveillance system automatically extracts an H264.exe codec file with the video. This file has to be installed on the viewing computer and the video files will play with Windows Media Player.

I burned the video files to 4 DVD-R disks

Disposition

Forward this report to Detective Avila for review

REPORTING OFFICER B. Swan	DATE 7/2/2013	REVIEWED BY	TYPED BY	ROUTED BY	DATE
FURTHER ACTION: 3 NO	COPIES TO: Detective CII SD/PO Dist. Atty. Patrol			REMARKS	

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600

Page 1

CASE NO.

141302397

H2012-056

REPORT AREA

SECTION

PC 69, PC 245 (c)

CRIME

Resisting Peace Officer / ADW on a P.O.

CLASSIFICATION

Assault / OIS

VICTIM'S NAME - LAST NAME

FIRST NAME

MIDDLE NAME

(FIRM NAME IF BUSINESS)

DIAZ,

ISMAEL

ADDRESS

RESIDENCE

PHONE

WITNESS INTERVIEW:

On Friday, August 23, 2013, at 1125 hours, Detective Stan Wijnhamer and I interviewed [REDACTED] at Yucaipa Fire Station # 551. The purpose of the contact was to interview [REDACTED]; however, we came in contact with [REDACTED] prior to contacting [REDACTED]. The following is a summary of [REDACTED] recorded statement.

On Saturday, June 29, 2013, [REDACTED] was on duty with [REDACTED] and [REDACTED]. At approximately 1640 hours, [REDACTED] crew was dispatched to a shooting on Yucaipa Boulevard near 3rd Street. [REDACTED] did not remember specifics about the call at the time of our contact.

[REDACTED] and [REDACTED] arrived on scene simultaneously with America Medical Response (AMR) Personnel. [REDACTED] made contact with Sergeant Gonzalez and then walked up to the scene. [REDACTED] noticed Merlin was handcuffed supine on the ground. A pocket knife lay left of Merlin's body, between Merlin and a citizen's car. [REDACTED] described the knife as a folding knife in the closed position, and he believed the knife was approximately 2 feet away, but within Merlin's arms reach. [REDACTED] warned [REDACTED] and [REDACTED] about the presence of the knife, and then directed his attention to Sergeant Gonzalez, and asked if any of the deputies involved were injured. [REDACTED] had nothing else to add and I ended the interview.

REPORTING OFFICER

Det. A. AVILA

DATE

08/26/2013

REVIEWED BY

[REDACTED]

TYPED BY

EN

ROUTED BY

DATE

FURTHER ACTION:

☐ NO

COPIES TO:

☐ Other

☐ SD/PD

☐ Detective

☐ CII

☐ Other

☐ Dist. Atty.

☐ Patrol

REMARKS

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600

CASE NO.

141302397

H2012-056

REPORT AREA

Page 2

SECTION PC 69, PC 245 (c)	CRIME Resisting Peace Officer / ADW on a P.O.	CLASSIFICATION Assault / OIS
VICTIM'S NAME - LAST NAME DIAZ	FIRST NAME ISMAEL	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE

WITNESS INTERVIEW: [REDACTED]

On Friday August 23, 2013, at about 1130 hours, Detective Stan Wijnhamer and I interviewed [REDACTED] at the Yucaipa Fire Station #551. The following is a summary of [REDACTED] recorded statement.

[REDACTED] did not remember the date or time of the incident, but he remembered responding to a call for service reference a gunshot wound victim. [REDACTED] did not remember if the call was an officer involved shooting.

[REDACTED] and [REDACTED] arrived on scene and parked the fire engine on Yucaipa Boulevard. When [REDACTED] exited the fire engine, he saw an American Medical Response (AMR) ambulance drive up into the scene. [REDACTED] was not sure what equipment AMR paramedics were deploying, but [REDACTED] responded with his trauma box and an airway bag.

[REDACTED] found Merlin supine and handcuffed on the ground. Merlin's head was oriented southeast and his feet northwest. Merlin was wearing basketball shoes, socks, gym shorts and a t-shirt. [REDACTED] did not remember if the gym shorts had pockets, and did not recall what type of t-shirt Merlin was wearing, and if it was tucked in or not.

Merlin had what appeared to be a quick clot bandage affixed to the chest and taser prongs with taser wires still attached. [REDACTED] did not remember the location of the prongs on Merlin's body, but he remembered the wires were in the way as medical personnel moved Merlin's body to treat him.

[REDACTED] also noticed what he believed was a red or orange folding knife within contact to Merlin's left side at hip level. [REDACTED] believed the knife was a full size pocket knife with a serrated and straight blade. Because of the pocket knife location and positioning, [REDACTED] assumed it had fallen from Merlin's waist or pant pocket.

REPORTING OFFICER Det. A. AVILA [REDACTED]	DATE 08/26/2013	REVIEWED BY [Signature]	TYPED BY EN	ROUTED BY	DATE
FURTHER ACTION: L <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> CII <input type="checkbox"/> Other <input type="checkbox"/> Dist. Atty. <input type="checkbox"/> Patrol		REMARKS		

SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO
CALIFORNIA
CA 03600

Page 3

CASE NO.

141302397

H2012-056

REPORT AREA

SECTION PC 69, PC 245 (c)	CRIME Resisting Peace Officer / ADW on a P.O.	CLASSIFICATION Assault / OIS
VICTIM'S NAME - LAST NAME DIAZ,	FIRST NAME ISMAEL	MIDDLE NAME (FIRM NAME IF BUSINESS)
ADDRESS	RESIDENCE	PHONE

WITNESS INTERVIEW: [REDACTED] (Continued)

While [REDACTED] was at the scene, the pocket knife was moved or kicked about a foot away from Merlin. [REDACTED] did not know how or who moved the knife because there were too many people on scene.

Merlin was pulseless, not breathing, and appeared to have inadequate circulation; Merlin looked dead. AMR paramedic's had a medic student, who was trying to establish an airway on Merlin. [REDACTED] assisted and began to cut Merlin's clothing off and pile them to his immediate left. Once Merlin was completely striped, [REDACTED] and AMR Paramedics patched him to a cardiac monitor. AMR paramedics believed Merlin had a wide, complex heart rhythm, which forced them to transport Merlin to the hospital. [REDACTED] disagreed with AMR paramedics, based on [REDACTED] experience; he believed Merlin was deceased at the scene.

[REDACTED] and AMR personnel secured Merlin on a board, and AMR transported Merlin to Redlands Community Hospital. [REDACTED] and [REDACTED] exited the scene, but remained outside the crime scene perimeter until they cleared the call. [REDACTED] had nothing else to add and I ended the interview.

On Monday, August 26, 2013, at approximately 1330 hours, I spoke with [REDACTED] on the phone to confirm if the blade was exposed on the folding knife, and if he could describe Merlin's injuries. The folding knife was in the closed position when [REDACTED] saw it at the scene next to Merlin. [REDACTED] did not know the extent of Merlin's injuries, only that Merlin received multiple gunshots wounds. [REDACTED] referred me to AMR Paramedics for details of Merlin's injuries.

REPORTING OFFICER Det. A. AVILA [REDACTED]	DATE 08/26/2013	REVIEWED BY	TYPED BY EN	ROUTED BY	DATE
FURTHER ACTION: <input type="checkbox"/> NO	COPIES TO: <input type="checkbox"/> Detective <input type="checkbox"/> Dist. Atty.	<input type="checkbox"/> Other <input type="checkbox"/> CII <input type="checkbox"/> Patrol	<input type="checkbox"/> SD/PD <input type="checkbox"/> Other	REMARKS	

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CALIFORNIA
CA03600**

H# 56-13

CASE NO.

141302397

REPORTING AREA

LIMS# 13-10391-C-01

EVIDENCE/PROPERTY REPORT

CODE SECTION OIS	RECOVERING DIV/STATION SBSD-Homicide	SUSPECT NAME Merlin Factor	<input type="checkbox"/> REPORTED STOLEN
<input checked="" type="checkbox"/> EVIDENCE	<input type="checkbox"/> FOUND PROPERTY	<input type="checkbox"/> SAFEKEEPING	<input type="checkbox"/> RECOVERED BY SEARCH WARRANT

Evidence collected from crime scene at 34784 Yucaipa Blvd. in Yucaipa on June 30, 2013.

CASE AGENT AND EMPLOYEE NO.

Bachman [REDACTED]

PROPERTY RECOVERED BY AND EMPLOYEE NO.

Lyndes [REDACTED]

ITEM NO.	SERIAL NO.	DESCRIPTION	VALUE	BAR CODE LABEL
F-1		One taser dart and wire from the right front floorboard of vehicle at Plc 2		[REDACTED]
F-2		One "Winchester 45 Auto" cartridge at Plc 4		
F-3		Black "Taser" cartridge [REDACTED] and wire at Plc 5		
F-4		Black "Taser" cartridge [REDACTED] and wire at Plc 6		
F-5		Fired bullet with bloodstains, at Plc 7		
F-6		Fired bullet fragment w/bloodstains, at Plc 8		
F-7		Fired bullet with bloodstains, at Plc 9		
F-8		"Frost Cutlery" black and gray stainless steel folding knife at Plc 8		
F-9		Bloodstain swabs at Plc 9		
F-10		Control swabs at Plc 9		
F-11		Blank swabs of water used for Plc 9		

REPORTING DEPUTY AND EMPLOYEE NO.

Lyndes [REDACTED]

DATE

7-2-13

REVIEWED BY:

[Signature]

PROPERTY OFFICER AND EMPLOYEE NO.

[REDACTED]

DATE:




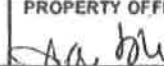
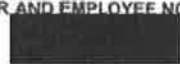
7/2/13

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CALIFORNIA
CA03600**

CASE NO.
141302397 LIMS# 13-10391-C-01
PAGE 2 OF 3

H# 58-13

EVIDENCE/PROPERTY CONTINUATION REPORT






ITEM NO.	SERIAL NO.	DESCRIPTION	VALUE	BAR CODE LABEL	
F-12		Brown button collected near the blood pool at Plc 9			
F-13		Metal nametag with "I. Diaz" on it, at Plc 10			
F-14		Glock .45 thirteen round black ammunition magazine at Plc 6			
F-15		Piece of white fabric with bloodstains, at Plc 6			
F-16		One pair of black "Lakai" shoes, size 11; one white "Pro Club" t-shirt, size XL; one "NSI Sports" pair of blue and orange shorts, size M; one pair of "Lot 29 Authentic Denim Wear" jeans, unk size, at Plc 11			
F-17		Tube of "Carmex" lip balm from the ground at Plc 11, and black "iPhone" cell phone from pocket of pants at Plc 11			
F-18		\$0.35 In US coins (one quarter, two nickels) from pocket of pants at Plc 11			
F-19		One "Winchester 45 Auto" fcc at Plc 12			
F-20		One "Winchester 45 Auto" fcc at Plc 13			
F-21		One "Winchester 45 Auto" fcc at Plc 14			
REPORTING DEPUTY AND EMPLOYEE NO.		DATE	REVIEWED BY:	PROPERTY OFFICER AND EMPLOYEE NO.	DATE:
Lyndes 		7-2-13			



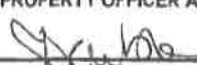
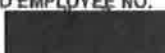
**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CALIFORNIA
CA03600**

CASE NO.
141302397 LIMS# 13-10391-C-01
PAGE 3 OF 3

HN# 66-13

EVIDENCE/PROPERTY CONTINUATION REPORT

ITEM NO.	SERIAL NO.	DESCRIPTION	VALUE	BAR CODE LABEL
F-22		One "Winchester 45 Auto" fcc at Plc 15		 
F-23		One "Winchester 45 Auto" fcc at Plc 16		
F-24		One "Winchester 45 Auto" fcc at Plc 17		
F-25		One "Winchester 45 Auto" fcc at Plc 18		
F-26		Two "Winchester 45 Auto" fcc's at Plc 19		
F-27		One "Winchester 45 Auto" fcc at Plc 20		
F-28		Two "Winchester 45 Auto" fcc's at Plc 21		
F-29		One "Winchester 45 Auto" fcc at Plc 22		
F-30		Metal nametag fastener from the asphalt parking lot, northwest of nametag at Plc 10		 SHERIFF  SHERIFF 
F-31		One taser dart from the collar area of the white t-shirt at Plc 11		

REPORTING DEPUTY AND EMPLOYEE NO. Lyndes  	DATE 7-2-13	REVIEWED BY: 	PROPERTY OFFICER AND EMPLOYEE NO. 	DATE: 7/2/13
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EVIDENCE/PROPERTY REPORT

CASE NO.

REPORTING AREA

LIMS# 13-10391-C-01

Evidence collected during tech. processing at the Scientific Investigations Division on July 2, 2013.

CASE AGENT AND EMPLOYEE NO.

PROPERTY RECOVERED BY AND EMPLOYEE NO.

Bachman

Lyndes

REPORTING DEPUTY AND EMPLOYEE NO.

DATE _____

REVIEWED BY:

PROPERTY OFFICER AND EMPLOYEE NO.

DATE: _____

Lyndes

7-2-13

Future

71212

EVIDENCE/PROPERTY REPORT

REPORTING DEPUTY AND EMPLOYEE NO.	DATE	REVIEWED BY:	PROPERTY OFFICER AND EMPLOYEE NO.	DATE:
C. Bonar [REDACTED]	070313	[Signature]	[REDACTED]	07/3/13

PAGE 1 OF 1

CASE NO.
141302397
REPORTING AREA LIMS# 13-10391-C-02 H#66-13
<input type="checkbox"/> REPORTED STOLEN <input type="checkbox"/> RECOVERED PROPERTY <input type="checkbox"/> RECOVERED BY SEARCH WARRANT

CODE SECTION OIS	RECOVERING DIV/STATION SBSD - HOMICIDE	SUSPECT NAME MERLIN FACTOR	<input type="checkbox"/> REPORTED STOLEN <input type="checkbox"/> RECOVERED PROPERTY
<input checked="" type="checkbox"/> EVIDENCE	<input type="checkbox"/> FOUND PROPERTY	<input type="checkbox"/> SAFEKEEPING	<input type="checkbox"/> RECOVERED BY SEARCH WARRANT

Items B: Physical Evidence Collected from Deputy Diaz at SBSD-Yucaipa Station 34282 Yucaipa Blvd. Yucaipa

CASE AGENT AND EMPLOYEE NO. E. Bachman [REDACTED]	PROPERTY RECOVERED BY AND EMPLOYEE NO. C. Fostore [REDACTED]	on 06/29/13
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ITEM NO.	QUANTITY	DESCRIPTION	VALUE	BAR CODE LABEL
B-1	Four	Swabs of Deputy Diaz's gunbelt and attached items		S [REDACTED] SHERIFF [REDACTED]
B-2	Two	Blank swabs of water used to swab Item B-1		[REDACTED] L [REDACTED]
B-3	Two	Reference buccal swabs from Deputy Diaz		SF [REDACTED] SHERIFF [REDACTED]
B-4	One	"Conqueror" brand tan short sleeved uniform shirt with U.S. flag and SBSD-Sheriff patches, size unknown		S [REDACTED] TY SHERIFF [REDACTED]

PORTING DEPUTY AND EMPLOYEE NO.	DATE	REVIEWED BY:	PROPERTY OFFICER AND EMPLOYEE NO.	DATE:
CSS C. Fostore	07/01/13	<i>[Signature]</i>		7/1/13

EVIDENCE/PROPERTY REPORT

CASE NO.

REPORTING AREA

☐ REPORTED STOLEN
☐ RECOVERED PROPERTY**OIS****SBSD – HOMICIDE**

MERLIN FACTOR

☐ **SAFEKEEPING**

PROPERTY RECOVERED BY AND EMPLOYEE NO.

C. Fostore

BAR CODE LABEL

5

VERIFF

PROPERTY OFFICER AND EMPLOYEE NO.

07/01/13

15-16141-401 Rev. 6/93 CRJ

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CALIFORNIA
CA03600**

PAGE 1 OF 1


EVIDENCE/PROPERTY REPORT


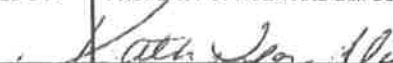
CASE NO. 141302397
REPORTING AREA LIMS# 13-10391-C-02 H#66-13
<input type="checkbox"/> REPORTED STOLEN
<input type="checkbox"/> RECOVERED PROPERTY
<input type="checkbox"/> RECOVERED BY SEARCH WARRANT

CODE SECTION OIS	RECOVERING DIV/STATION SBSD - HOMICIDE	SUSPECT NAME MERLIN FACTOR	<input type="checkbox"/> REPORTED STOLEN
<input checked="" type="checkbox"/> EVIDENCE	<input type="checkbox"/> FOUND PROPERTY	<input type="checkbox"/> SAFEKEEPING	<input type="checkbox"/> RECOVERED BY SEARCH WARRANT

Items D: Physical Evidence Collected From Redlands Community Hospital, 350 Terracina, Redlands on 06/29/13

CASE AGENT AND EMPLOYEE NO. E. Bachman	PROPERTY RECOVERED BY AND EMPLOYEE NO. C. Fostore
--	---

ITEM NO.	QUANTITY	DESCRIPTION	VALUE	BAR CODE LABEL
D-1	Two	Reference buccal swabs from Merlin Michael Factor		SAN BERNARDINO COUNTY SHERIFF 
D-2	One	SEM/GSR kit from Merlin Michael Factor		
D-3	One	Fired bullet fragment (copper jacket) from the backboard beneath Merlin Michael Factor on the right side, between his body and right arm		
D-4	One	Taser dart with broken wires, from the backboard on the left side of Merlin Michael Factor's body		

REPORTING DEPUTY AND EMPLOYEE NO. CSS C. Fostore	DATE 07/01/13	REVIEWED BY: 	PROPERTY OFFICER AND EMPLOYEE NO. 	DATE: 7/1/13
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PAGE 1 OF 1

CASE NO.
141302397
REPORTING AREA
LIMS# 13-10391-C-02
H#66-13
<input type="checkbox"/> REPORTED STOLEN
<input type="checkbox"/> RECOVERED PROPERTY
<input type="checkbox"/> RECOVERED BY SEARCH WARRANT
0/13
EMPLOYEE NO.

15-16141-401 Rev. 6/93 CR3

PAGE 1 OF 1

CASE NO.
141302397
REPORTING AREA
LIMS# 13-10391-C-02
H#66-13
<input type="checkbox"/> REPORTED STOLEN
<input type="checkbox"/> RECOVERED PROPERTY
<input type="checkbox"/> RECOVERED BY SEARCH WARRANT

CODE SECTION OIS	RECOVERING DIV/STATION SBSD – HOMICIDE	SUSPECT NAME MERLIN FACTOR	<input type="checkbox"/> REPORTED STOLEN <input type="checkbox"/> RECOVERED PROPERTY
<input checked="" type="checkbox"/> EVIDENCE	<input type="checkbox"/> FOUND PROPERTY	<input type="checkbox"/> SAFEKEEPING	<input type="checkbox"/> RECOVERED BY SEARCH WARRANT

CASE AGENT AND EMPLOYEE NO.

PROPERTY RECOVERED BY AND EMPLOYEE NO. on 06/29/13

E. Bachman

C. Fostore

[illegible]

REPORTING DEPUTY AND EMPLOYEE NO.	DATE	REVIEWED BY:	PROPERTY OFFICER AND EMPLOYEE NO.	DATE:
CSS C. Fostore	07/01/13	<i>[Signature]</i>		7/1/13

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CALIFORNIA
CA03600**

H# 56-13

CASE NO.

141302397

REPORTING AREA

LIMS# 13-10391-C-01

EVIDENCE/PROPERTY REPORT

CODE SECTION OIS	RECOVERING DIV/STATION SBSD-Homicide	SUSPECT NAME Merlin Factor	<input type="checkbox"/> REPORTED STOLEN
<input checked="" type="checkbox"/> EVIDENCE	<input type="checkbox"/> FOUND PROPERTY	<input type="checkbox"/> SAFEKEEPING	<input type="checkbox"/> RECOVERED PROPERTY
			<input type="checkbox"/> RECOVERED BY SEARCH WARRANT


Evidence collected during vehicle proc. Of 1998 green Chevy Malibu at SID on July 9, 2013.

CASE AGENT AND EMPLOYEE NO.

Bachman [REDACTED]

PROPERTY RECOVERED BY AND EMPLOYEE NO.

Lyndes [REDACTED]

ITEM NO.	SERIAL NO.	DESCRIPTION	VALUE	BAR CODE LABEL
G-1		"Winchester" small gray metal folding pocket knife at Placard 1		
G-2		Fired bullet at Placard 2		
G-3		Fired bullet at Placard 3D		
G-4		Bloodstain swabs at Placard 4		
G-5		Control swabs at Placard 4		

REPORTING DEPUTY AND EMPLOYEE NO.

Lyndes [REDACTED]

DATE

7-9-13

REVIEWED BY:

PROPERTY OFFICER AND EMPLOYEE NO.

DATE:

7/9/13

EVIDENCE/PROPERTY REPORT

☐ RECOVERED BY
SEARCH WARRANT

7/9/13

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CALIFORNIA
CA03600**

H#56-13


CASE NO.

141302397

REPORTING AREA

13-10391-6-03

EVIDENCE/PROPERTY REPORT

CODE SECTION 015		RECOVERING DIV/STATION SRSD-Homicide		SUSPECT NAME Merlin Factor		<input type="checkbox"/> REPORTED STOLEN <input type="checkbox"/> RECOVERED PROPERTY <input type="checkbox"/> RECOVERED BY SEARCH WARRANT	
<input checked="" type="checkbox"/> EVIDENCE		<input type="checkbox"/> FOUND PROPERTY		<input type="checkbox"/> SAFEKEEPING			
OWNER OF PROPERTY <i>Physical evidence collected during the post mortem examination of Merlin Factor at the Riverside County Morgue on 7-1-13</i>				ADDRESS			
CASE AGENT AND EMPLOYEE NO. 7 <i>Rachman</i>				PROPERTY RECOVERED BY AND EMPLOYEE NO. 7 <i>A. Martinez</i>			
ITEM NO.	SERIAL NO.	DESCRIPTION	VALUE	BAR CODE LABEL			
H-1		Head hair samples from the front area		SAN BERNARDINO COUNTY SHERIFF 			
H-2		Head hair samples from the left side					
H-3		Head hair samples from the right side					
H-4		Head hair samples from the crown area					
H-5		Head hair samples from the back area					
H-6		Pubic hair samples					
H-7		Fingernail clippings from the left hand					
REPORTING DEPUTY AND EMPLOYEE NO.		DATE		REVIEWED BY		PROPERTY OFFICER AND EMPLOYEE NO.	
<i>A. Martinez</i>		7-17-13		<i>D. Forzi-Jones</i>		7-18-13	

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CALIFORNIA
CA03600**

HA56-13

13-10391



CASE NO.

141302397

PAGE 2

OF 3

EVIDENCE/PROPERTY CONTINUATION REPORT

ITEM NO.	SERIAL NO.	DESCRIPTION	VALUE	BAR CODE LABEL
H-8		Fingernail clippings from the right hand & the scissors used to clip the fingernails		
H-9		(1) unknown brand Taser dart w/ a small piece of wire from the left mid-back area		<div> SAN BERNARDINO COUNTY SHERIFF  </div>
H-10		(1) fired bullet fragments from the right forearm		
H-11		(1) fired bullet from the left mid-chest area		
H-12		(1) fired bullet from the left side chest area		
H-13		(1) fired bullet from the left mid-abdomen area		
H-14		(1) fired bullet from the left rib 7		
H-15		(1) fired bullet from the spleen area		

REPORTING DEPUTY AND EMPLOYEE NO.

DATE

REVIEWED BY

PROPERTY OFFICER AND EMPLOYEE NO.

DATE

A. Martinez

7-17-13

S. Fomiz-Jones

7-18-13

**SHERIFF'S DEPARTMENT
COUNTY OF SAN BERNARDINO, CALIFORNIA
CA03600**

n#36-13

13-10391



CASE NO.

141322347

PAGE 3

OF 3

EVIDENCE/PROPERTY CONTINUATION REPORT

ITEM NO.	SERIAL NO.	DESCRIPTION	VALUE	BAR CODE LABEL
H-16		(1) fired bullet from the left abdomen fat area		
H-17		(1) fired bullet fragment from the left lung area		
H-18		(2) fired bullet fragments from the left axilla area		
H-19		(1) unknown brand blue pair of socks, size unknown		<div> <div>SAN BERNARDINO COUNTY SHERIFF</div>  <div>SHERIFF</div> </div>
H-20		Purple top. vial E Muelin Facer's blood		

REPORTING DEPUTY AND EMPLOYEE NO.

DATE

REVIEWED BY

PROPERTY OFFICER AND EMPLOYEE NO.

DATE

A. Massey

7-17-13

S. Fong-Jones

7.18.13

EVIDENCE/PROPERTY REPORT

CODE SECTION P.C. 69	RECOVERING DIV/STATION 60A	SUSPECT NAME Factor, Merlin	<input type="checkbox"/> REPORTED STOLEN <input type="checkbox"/> RECOVERED PROPERTY	
<input checked="" type="checkbox"/> EVIDENCE	<input type="checkbox"/> FOUND PROPERTY	<input type="checkbox"/> SAFEKEEPING	<input type="checkbox"/> RECOVERED BY SEARCH WARRANT	
OWNER OF PROPERTY		ADDRESS		
CASE AGENT AND EMPLOYEE NO. Bachman [redacted] 60H13		PROPERTY RECOVERED BY AND EMPLOYEE NO.		
ITEM NO.	SERIAL NO.	DESCRIPTION	VALUE	BAR CODE LABEL
01		Crime scene log		SAN BERNARDINO COUNTY SHERIFF [redacted] [barcode]
REPORTING DEPUTY AND EMPLOYEE NO. Det. E. Bachman [redacted]		DATE 8/6/13	REVIEWED BY: Joanne Bear	PROPERTY OFFICER AND EMPLOYEE NO. [redacted]
				DATE:

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT
SCIENTIFIC INVESTIGATIONS DIVISION**

200 South Lena Road San Bernardino, CA 92415

- An ASCLD/LAB Accredited Laboratory (since December 9, 1995) -

AGENCY FILE NO.

1302397-14

LABORATORY NO.

13-10391-C-01

**TO: San Bernardino County Sheriff's Department
Homicide - Specialized Investigations
655 E. 3rd Street
San Bernardino, CA 92415**

This report is for official purposes only.

**Analyst: Justin Lyndes
Title: Crime Scene Specialist I
Signed On: July 22, 2013 09:31:17 AM**

**INVESTIGATION TYPE: Officer Involved Shooting
CASE AGENT: BACHMAN [REDACTED]
INVESTIGATING AGENCY: SBCSD - Homicide - Specialized Investigations
REPORT TYPE: Crime Scene (231)
Latent Print Processing (221)
Trajectory (250)
Vehicle Processing (230)
Evidence Processing (233)
REPORT DATE: July 22, 2013**

**SUSPECT(S): FACTOR, Merlin VICTIM(S): PEREA, Joseph
DIAZ, Ismael**

OVERVIEW

On Saturday, June 29, 2013, at about 1710 hours, I was assigned to assist San Bernardino Sheriff's Homicide detectives with an officer involved shooting investigation. I responded to the scene, which was located at the First Baptist Church at 34784 Yucaipa Blvd. in the City of Yucaipa. I arrived at the scene at 1822 hours, and made contact with Detective Bachman who requested that I process the crime scene. I photographed the crime scene and surrounding area and collected evidence from the scene. Refer to the Photography and Evidence sections for further details. Crime Scene Specialist Fostore assisted with evidence collection at the scene and also responded to the hospital, the station, and a search warrant. Refer to her report for further details.

OBSERVATIONS

The crime scene was located in the parking lot of the First Baptist Church, on the north side of Yucaipa Blvd., just east of 3rd St. The parking lot was located on the west side of the church. The suspect's green Chevy Malibu was parked in the parking lot facing northwest with the deputy's units parked on either side of the vehicle also facing northwest. Both of the front doors of the suspect's vehicle were open. There was bloody clothing located on the ground north of the suspect's vehicle and there were multiple fired cartridge cases on the ground around the vehicle and units. There was blood located on the ground on the passenger's side of the suspect's vehicle and on the right front seat area of the vehicle. There were also taser cartridges and wire located on the ground on the passenger's side of the suspect's vehicle.

PHOTOGRAPHY

PLACARDS:

During the course of the investigation several items were identified with numbered evidence placards. The following is a list of items identified with placards. Each numbered item corresponds to the placards as depicted in the photographs. Overall photographs were taken of the scene prior to the assignment of placards.

- Placard #1 San Bernardino Sheriff's Yucaipa Station unit 14190 14 with CA exempt license plates [REDACTED] located on the asphalt parking lot of the First Baptist Church. The unit was parked at the south end of the parking lot between the two driveways and facing northwest, just south of the First Baptist Church sign.
- Placard #2 1998 green Chevy Malibu four door car, [REDACTED] license plates [REDACTED] and VIN [REDACTED] located on the asphalt parking lot of the church. The vehicle was located at the south end of the parking lot facing northwest, on the north side of the church sign and north of the unit at Placard 1. Both of the front doors were open and the front windows were down. There were bloodstains on the right front seat area.

- Placard #3 San Bernardino Sheriff's Yucaipa Station unit 14601 14 with CA exempt license plates [REDACTED] located on the asphalt parking lot of the church, facing northwest. The unit was located at the south end of the parking lot and north of the vehicle at Placard 2.
- Placard #4 One "Winchester 45 Auto" cartridge located on the asphalt parking lot of the church, behind (east of) the right rear tire of the vehicle at Placard 2. South of the unit at Placard 3.
- Placard #5 Black "Taser" cartridge and wire located on the asphalt parking lot of the church, near the right rear tire of the vehicle at Placard 2 and northeast of Placard 4.
- Placard #6 Black "Taser" cartridge and wire, Glock .45 black ammunition magazine, and piece of white fabric with bloodstains, located on the asphalt near the right rear tire of the vehicle at Placard 2, northwest of Placard 5.
- Placard #7 Fired bullet with bloodstains on it located on the asphalt parking lot, near the open right front door of the vehicle at Placard 2, northwest of Placard 6.
- Placard #8 Black and gray "Frost Cutlery" stainless steel folding knife and a fired bullet fragment, located on the asphalt parking lot near the open right front door of the vehicle at Placard 2 and west of Placard 7.
- Placard #9 Large volume blood pool with a fired bullet located in the middle of the pool, north of the vehicle at Placard 2 and south of the unit at Placard 3, northeast of Placard 8. There was a drip trail located on the west side of the blood pool. There was also a brown button located on the ground on the southeast side of the blood pool.
- Placard #10 Metal nametag with "I. Diaz" on it, lying face down on the asphalt parking lot, near the open right front door of the vehicle at Placard 2, southwest of Placard 9 and northwest of Placard 8.
- Placard #11 Clothing, a pair of shoes, and lip balm, located on the asphalt parking lot near the front end of the unit at Placard 3, on the west side of the unit and north of Placard 10. Some of the clothing had bloodstains on it.
- Placard #12 One "Winchester 45 Auto" fired cartridge case located on the asphalt parking lot, south of the clothing at Placard 11 and west of the unit at Placard 3.
- Placard #13 One "Winchester 45 Auto" fired cartridge case located on the asphalt parking lot, just southwest of Placard 12.
- Placard #14 One "Winchester 45 Auto" fired cartridge case located on the asphalt parking lot, southwest of Placard 13. The fired cartridge case was located in a crack that ran north and south down the center of the parking lot.

- Placard #15 One "Winchester 45 Auto" fired cartridge case located on the asphalt parking lot, just on the west side of the crack and north of Placard 14.
- Placard #16 One "Winchester 45 Auto" fired cartridge case located on the asphalt parking lot, in the crack and north of Placard 15.
- Placard #17 One "Winchester 45 Auto" fired cartridge case located on the asphalt parking lot, near the center of the parking lot, northeast of Placard 16 and west of the unit at Placard 3.
- Placard #18 One "Winchester 45 Auto" fired cartridge case located on the asphalt parking lot, in the crack down the middle of the parking lot, west of Placard 17.
- Placard #19 Two "Winchester 45 Auto" fired cartridge cases located on the asphalt parking lot, in the crack down the middle of the parking lot, north of Placard 18.
- Placard #20 One "Winchester 45 Auto" fired cartridge case located on the asphalt parking lot, northwest of Placard 19.
- Placard #21 Two "Winchester 45 Auto" fired cartridge cases located on the asphalt parking lot, southwest of Placard 20 and west of the vehicle at Placard 2.
- Placard #22 One "Winchester 45 Auto" fired cartridge case located on the asphalt parking lot, southwest of Placard 21 and west of the vehicle at Placard 2.
- Placard #23 Green canvas bag, cell phone, deodorant, Gatorade bottle, and paper towels, located on the asphalt parking lot, at the south end of the parking lot near Yucaipa Blvd. and near the rear of the unit at Placard 1, southeast of the unit.

PHOTOGRAPHS:

The following numbered overall, midrange, and close-up digital photographs were taken of the crime scene and related items of evidence.

Photography Log:

D725A0PX	-	D725A0SS	Crime scene and surrounding area
D725A0ST	-	D725A0U4	Vehicles in parking lot
D725A0U5	-	D725A0UD	Perspective views from the two units looking towards the suspect's vehicle
D725A0UE	-	D725A0UL	Perspective views from witness location above the parking lot near the front of the church looking towards the crime scene
D725A0UM	-	D725A0WA	Placards 1-23

D725A0WB	-	D725A0WO	Unit at Placard 1
D725A0WP	-	D725A0Y6	Vehicle at Placard 2
D725A0Y7	-	D725A0YG	Unit at Placard 3
D725A0YH	-	D725A0YP	Placard 4
D725A0YQ	-	D725A0ZS	Placards 5-7
D725A0Z6	-	D725A0ZB	Placard 8
D725A0ZC	-	D725A0ZJ	Placard 9
D725A0ZK	-	D725A0ZQ	Placard 10
D725A0ZR	-	D725A0ZU	Placard 9
D725A0ZV	-	D725A103	Placard 11
D725A104	-	D725A114	Placards 12-22
D725A115	-	D725A11C	Placard 23
D725A11D	-	D725A11M	Metal nametag fastener from parking lot
D725A11N	-	D725A11T	Perspective views from the south side of Yucaipa Blvd. looking towards the crime scene

ADDITIONAL PHOTOGRAPHY

On July 2, 2013, photographs were taken of items of evidence during the evidence processing at the Scientific Investigations Division.

Photography Log:

D725A11V	-	D725A138	Clothing from Placard 11 at crime scene
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VEHICLE PROCESSING OVERVIEW

On Tuesday, July 9, 2013, at approximately 0745 hours, I processed a vehicle for Detective Bachman of the San Bernardino Sheriff's Department Homicide Detail. The vehicle was a 1998 green Chevrolet Malibu four door car, with [REDACTED] license plates [REDACTED] and vehicle identification number [REDACTED]. The vehicle was processed at the Scientific Investigations Division and Detective Bachman was present for the vehicle processing.

VEHICLE PROCESSING PHOTOGRAPHY**PLACARDS:**

During the course of the investigation several items were identified with numbered evidence placards. The following is a list of items identified with placards. Each numbered item corresponds to the placards as depicted in the photographs. Overall photographs were taken of the scene prior to the assignment of placards.

- Placard #1 "Winchester" small gray metal folding pocket knife with the blade extended, located on the left front seat area of the vehicle, towards the left side of the seat area near the backrest.
- Placard #2 One fired bullet located on the floormat on the right front floorboard of the vehicle. Located to the right and forward of Placard 1.
- Placard #3A Fired bullet entry hole located in the exterior right side of the plastic center console/ashtray, to the right of and below the air control knobs. Located to the left and rear of Placard 2.
- Placard #3B Fired bullet exit hole located in the interior right side of the plastic center console/ashtray, inside of the slot in the console above the ashtray, to the right and below the air control knobs.
- Placard #3C Fired bullet entry/exit hole located through the bottom side of the slot in the center console above the ashtray.
- Placard #3D Fired bullet entry hole located in the carpet of the left front floorboard area, behind the brake pedal, to the left and forward of Placard 3C. A fired bullet was collected from under the carpet floorboard.
- Placard #4 Fired bullet entry/exit hole located through the exterior right side of the plastic center console/ashtray, to the right and forward of the ashtray and lighter. There were bloodstains located around the entry/exit hole on the exterior right side of the plastic console.

PHOTOGRAPHS:

The following numbered overall, midrange, and close-up digital photographs were taken of the vehicle and evidence located during the vehicle processing.

Photography Log:

D7C1D4L6	-	D7C1D4LJ	Exterior of vehicle
D7C1D4LK	-	D7C1D4M0	Evidence seals
D7C1D4M1	-	D7C1D4MV	Interior of vehicle and trunk
D7C1D4MW	-	D7C1D4MX	VIN
D7C1D4MY	-	D7C1D4NJ	Placards 1-4
D7C1D4NK	-	D7C1D4NP	Placard 1
D7C1D4NQ	-	D7C1D4NW	Placard 2
D7C1D4NX	-	D7C1D4OD	Placards 3A-3D
D7C1D4OE	-	D7C1D4OH	Placard 4
D7C1D4OI	-	D7C1D4P1	Trajectory rods showing trajectory at Placards 3A-3D
D7C1D4P2	-	D7C1D4PB	Fired bullet collected from under carpet floorboard at Placard 3D

VEHICLE EXAMINATIONS**BULLET TRAJECTORY**

The fired bullet holes located in the green Chevrolet Malibu were numbered and when possible were linked together with sequential lettering (i.e. 3A, 3B, etc.) to indicate trajectory.

3A – 3D: This fired bullet entered the exterior right side of the plastic center console/ashtray, exited the interior right side of the center console inside the slot above the ashtray, went through the bottom side of the slot above the ashtray, entered the carpet on the left front floorboard behind the brake pedal, and was located under the carpet on the floorboard. The fired bullet traveled from Placard 3A to 3D. The direction of travel was from right to left, back to front, and downward.

4: This fired bullet went through the exterior right side of the plastic center console/ashtray and was unable to be located. The fired bullet hole could have possibly been related to the fired bullet collected at Placard 2 but it was unable to be determined. The direction of travel was from right to left, unable to determine front, back, up, or down directions.

CONCLUSIONS

Two bullet trajectories could be determined in the 1998 green Chevrolet Malibu. The trajectories at Placards 3A-3D and 4 were both traveling from right to left with the trajectory at Placard 3A-3D also traveling from back to front and downward. The trajectories were consistent with the suspect having been located near the open right front door of the vehicle at the time of the shooting and the shots being fired from the right side of the suspect's vehicle and slightly to the rear of the open door, most likely going through the open right front door before striking the center console area.

EVIDENCE

I delivered the following evidence to the Sheriff's Central Property and Evidence Unit.

Item F: Evidence collected from the crime scene at 34784 Yucaipa Blvd. in Yucaipa on June 30, 2013.

BC [REDACTED]

Item F-1: One taser dart and wire from the right front floorboard of vehicle at Placard 2

BC [REDACTED]

Item F-2: One "Winchester 45 Auto" cartridge at Placard 4

BC [REDACTED]

Item F-3: Black "Taser" cartridge [REDACTED] and wire at Placard 5

BC [REDACTED]

Item F-4: Black "Taser" cartridge [REDACTED] and wire at Placard 6

BC [REDACTED]

Item F-5: Fired bullet with bloodstains at Placard 7

F-6: Fired bullet fragment with bloodstains at Placard 8

F-7: Fired bullet with bloodstains at Placard 9

BC [REDACTED]

Item F-8: "Frost Cutlery" black and gray stainless steel folding knife at Placard 8

BC [REDACTED]

Item F-9: Bloodstain swabs at Placard 9

F-10: Control swabs at Placard 9

F-11: Blank swabs of water used for Placard 9

BC [REDACTED]

Item F-12: Brown button collected near blood pool at Placard 9

BC [REDACTED]

Item F-13: Metal nametag with "I. Diaz" on it at Placard 10

BC [REDACTED]

Item F-14: Glock .45 thirteen round black ammunition magazine at Placard 6

BC [REDACTED]

Item F-15: Piece of white fabric with bloodstains at Placard 6

BC [REDACTED]

Item F-16: One pair of black "Lakai" shoes, size 11; one white "Pro Club" t-shirt, size XL; one "NSI Sports" pair of blue and orange shorts, size M; one pair of "Lot 29 Authentic Denim Wear" jeans, unknown size, at Placard 11

BC [REDACTED]

Item F-17: Tube of "Carmex" lip balm from the ground at Placard 11 and black "iPhone" cell phone from pocket of pants at Placard 11

BC [REDACTED]

Item F-18: \$0.35 in US coins (one quarter, two nickels) from pocket of pants at Placard 11

BC [REDACTED]

- Item F-19: One "Winchester 45 Auto" fired cartridge case at Placard 12
- F-20: One "Winchester 45 Auto" fired cartridge case at Placard 13
- F-21: One "Winchester 45 Auto" fired cartridge case at Placard 14
- F-22: One "Winchester 45 Auto" fired cartridge case at Placard 15
- F-23: One "Winchester 45 Auto" fired cartridge case at Placard 16
- F-24: One "Winchester 45 Auto" fired cartridge case at Placard 17
- F-25: One "Winchester 45 Auto" fired cartridge case at Placard 18
- F-26: Two "Winchester 45 Auto" fired cartridge cases at Placard 19
- F-27: One "Winchester 45 Auto" fired cartridge case at Placard 20
- F-28: Two "Winchester 45 Auto" fired cartridge cases at Placard 21
- F-29: One "Winchester 45 Auto" fired cartridge case at Placard 22

BC [REDACTED]

Item F-30: Metal nametag fastener from asphalt parking lot, northwest of nametag at Placard 10

BC [REDACTED]

Item F-31: One taser dart from the collar area of white t-shirt at Placard 11

Items F-8a and F-8b: Evidence collected during technical processing at the Scientific Investigations Division on July 2, 2013.

BC [REDACTED]

Item F-8a: Swabs from folding knife (Item F-8)
F-8b: Blank swab of water/clean powder used

The following vehicle was received at the Scientific Investigations Division on June 30, 2013.

Item G: 1998 green Chevrolet Malibu four door car, [REDACTED] license plates [REDACTED] and VIN [REDACTED].

I delivered the following evidence to the Sheriff's Central Property and Evidence Unit.

Items G-1 to G-5: Evidence collected during the vehicle processing of the green Chevrolet Malibu at the Scientific Investigations Division on July 9, 2013.

BC [REDACTED]

Item G-1: "Winchester" small gray metal folding pocket knife at Placard 1

BC [REDACTED]

Item G-2: Fired bullet at Placard 2
G-3: Fired bullet at Placard 3D

BC [REDACTED]

Item G-4: Bloodstain swabs at Placard 4
G-5: Control swabs at Placard 4

Items G-1a and G-1b: Evidence collected during technical processing at the Scientific Investigations Division on July 9, 2013.

BC [REDACTED]

Item G-1a: Swabs from knife (Item G-1)
G-1b: Blank swab of water/clean powder used

DISPOSITION OF EVIDENCE:

Storage and disposition of evidence is the responsibility of the San Bernardino Sheriff's Central Property and Evidence Unit. Unless otherwise stated, evidence has been released to the control of the Sheriff's Central Property and Evidence Unit for storage or disposition. The vehicle has been released to the control of the case agent for storage or disposition.

EXAMINATIONS AND RESULTS**LATENT FINGERPRINT PROCESSING****PROCESSING ABBREVIATION KEY**

V - Room Light Examination
C - Cyanoacrylate Fuming

SD - Swab for DNA
CD - Dusting/Clean Brush & Powder

ITEM: F-8
PROCESSED: 7-2-13: V, C, V, CD, V, SD
RESULTS: Negative for latent prints. The swabs were submitted to the Sheriff's Central Property and Evidence Unit under BC [REDACTED].

ITEM: G-1
PROCESSED: 7-9-13: V, C, V, CD, V, SD
RESULTS: Negative for latent prints. The swabs were submitted to the Sheriff's Central Property and Evidence Unit under BC [REDACTED].

Note: The use of the word "blood" to describe stains/fluids is based upon visual examination and/or the results of preliminary screening tests. The actual presence of blood has not been confirmed by laboratory testing.

JL/jl

**RIVERSIDE/SAN BERNARDINO
CAL-DNA LABORATORY**

200 South Lena Road San Bernardino, CA 92415

- An ASCLD/LAB Accredited Laboratory (since December 9, 1995) -

AGENCY FILE NO.

1302397-14

LABORATORY NO.

13-10391-S-01

**TO: San Bernardino County Sheriff's Department
Homicide - Specialized Investigations
655 E. 3rd Street
San Bernardino, CA 92415**

This report is for official purposes only.

**Analyst: Stephanie Kinomoto
Title: Criminalist I
Signed On: July 31, 2013 01:40:04 PM**

**INVESTIGATION TYPE: Officer Involved Shooting
CASE AGENT: BACHMAN [REDACTED]
INVESTIGATING AGENCY: SBCSD - Homicide - Specialized Investigations
REPORT TYPE: Reference Blood Processing (512)
REPORT DATE: July 31, 2013**

**SUSPECT(S): FACTOR, Merlin VICTIM(S): PEREA, Joseph
DIAZ, Ismael**

EVIDENCE

BC [REDACTED]

Item H-20: One heat sealed plastic pouch containing one EDTA blood vial collected from Merlin Factor.

Storage and disposition of evidence is the responsibility of the San Bernardino County Sheriff's Central Property and Evidence Unit. Unless otherwise stated, evidence has been released to the control of Sheriff's Central Property and Evidence Unit for storage or disposition.

REFERENCE BLOOD PROCESSING

BC [REDACTED]

Item H-20: A blood swatch card was prepared from the EDTA blood vial. The dried blood swatch card is stored under BC No. [REDACTED]

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT
SCIENTIFIC INVESTIGATIONS DIVISION**

200 South Lena Road San Bernardino, CA 92415

- An ASCLD/LAB Accredited Laboratory (since December 9, 1995) -

AGENCY FILE NO.

DR 1302397-14

LABORATORY NO.

13-10391-F-01

**TO: San Bernardino County Sheriff's Department
Homicide - Specialized Investigations
655 E. 3rd Street
San Bernardino, CA 92415**

This report is for official purposes only.

Analyst: Christi Bonar

Title: Criminalist II

Signed On: July 3, 2013 08:46:46 AM

INVESTIGATION TYPE: Officer Involved Shooting

**CASE AGENT: BACHMAN [REDACTED]
DETECTIVE 60H13**

INVESTIGATING AGENCY: SBCSD - Homicide - Specialized Investigations

REPORT TYPE: Officer Involved Shooting (831)

REPORT DATE: July 3, 2013

**SUSPECT(S): FACTOR, Merlin VICTIM(S): PEREA, Joseph
DIAZ, Ismael**

EVIDENCE

The following evidence was received from the San Bernardino County Sheriff's Central Property and Evidence Unit:

- BC [REDACTED]
Item A: Glock semiautomatic pistol, model 21 Gen 4, 45 Auto caliber, serial number [REDACTED]
- BC [REDACTED]
Item B: Glock .45 caliber ammunition magazine
- BC [REDACTED]
Item C-1: One "Winchester 45 Auto" cartridge
Item C-2: Twelve "Winchester 45 Auto" cartridges

The following evidence was submitted to the San Bernardino County Sheriff's Central Property and Evidence Unit:

- BC [REDACTED]
Item I: Test-fired ammunition and dry bore patch from Item A

DISPOSITION OF EVIDENCE:

Storage and disposition of evidence is the responsibility of the San Bernardino County Sheriff's Central Property and Evidence Unit. Unless otherwise stated, the evidence has been released to the control of the San Bernardino County Sheriff's Central Property and Evidence Unit for storage or disposition.

EXAMINATIONS AND CONCLUSIONS**Item A- Pistol: Item B - Ammunition Magazine**

The pistol was examined and test-fired using the ammunition magazine. The pistol was functional, however, the trigger mechanism housing pin was missing. The trigger pull measured approximately 6 1/2 pounds.

Item C - Cartridges

The cartridges were visually consistent with Winchester Ranger ammunition.

CB/cb

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT
SCIENTIFIC INVESTIGATIONS DIVISION**

200 South Lena Road San Bernardino, CA 92415

- An ASCLD/LAB Accredited Laboratory (since December 9, 1995) -

AGENCY FILE NO.

LABORATORY NO.

1302397-14

13-10391-T-01

TO: San Bernardino County Sheriff's Department
Homicide - Specialized Investigations
655 E. 3rd Street
San Bernardino, CA 92415

This report is for official purposes only.

Analyst: Jason McCauley
Title: Criminalist II
Signed On: July 8, 2013 07:57:00 AM

INVESTIGATION TYPE: Officer Involved Shooting
CASE AGENT: BACHMAN [REDACTED]
INVESTIGATING AGENCY: SBCSD - Homicide - Specialized Investigations
REPORT TYPE: Gunshot Residue - Hand (905)
REPORT DATE: July 8, 2013

SUSPECT(S): FACTOR, Merlin **VICTIM(S):** PEREA, Joseph
DIAZ, Ismael

EVIDENCE

BC [REDACTED]

Item H: SEM GSR kit from Merlin Factor

Storage and disposition of evidence is the responsibility of the San Bernardino Sheriff's Central Property and Evidence Unit. Unless otherwise stated, evidence has been released to the control of Sheriff's Central Property and Evidence Unit for storage or disposition.

EXAMINATIONS

The left and right hand adhesive discs in Item H were examined for gunshot residue particles by scanning electron microscopy/energy dispersive spectrometry (SEM/EDS).

RESULTS and CONCLUSIONS

Particles considered unique to gunshot residue are particles that contain the elements lead, barium, and antimony.

Item H - SEM GSR kit from Merlin Factor

Seven (7) unique gunshot residue particles were identified on the left hand (4 particles) and right hand (3 particles) adhesive discs.

The presence of gunshot residue particles indicates that this individual fired a firearm, handled a firearm, was in close proximity to a discharging firearm, or contacted a surface containing gunshot residue.

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT
SCIENTIFIC INVESTIGATIONS DIVISION
200 South Lena Road San Bernardino, CA 92415**

To: EDWARD BACHMAN [REDACTED] / HOMICIDE DETECTIVE 60H13; Homicide Division -
Specialized Investigations
From: Stephanie Kinomoto; Criminalist I
[REDACTED] email: [REDACTED]
Date: 07/29/2013
Subject: PRIORITY ASSIGNMENTS FOR CRIMINALISTICS EVIDENCE EXAMINATION
Submitted Sheriff/Agency Number 1302397-14 (Officer Involved Shooting)

Because we receive more cases than we can work, it is necessary to prioritize criminalistics casework such as DNA, firearms, tool marks, impression comparisons, trace evidence, clandestine laboratory examinations, etc. The goal is to focus our efforts so we may provide the most effective use of the laboratory's resources for all of the law enforcement and justice agencies throughout San Bernardino County. The priority assigned to each case is based upon several factors including the probative potential of the evidence, the availability of laboratory resources, court dates, and other factors specific to your investigation.

PRIORITY DESIGNATION

- Priority 1:** Cases assigned this highest priority have been assigned to an analyst.
Priority 2: This priority does not have a due date assigned but will be worked as time becomes available.
Priority 3 - Closed: This is our lowest priority. Cases with this priority will not be analyzed unless circumstances change.
Priority 3 - Pending: The case may be assigned a higher priority if the necessary items as described below are submitted to the crime laboratory.

If you have any questions regarding this memorandum or priority assignments you receive, please contact the supervising criminalist who made this assignment.

Laboratory Number: 13-10391-S-01

Examination Assigned	Priority	Assigned To	Date Assigned	Date Due
Reference Blood Processing	Priority 1	Stephanie Kinomoto	07/29/2013	08/12/2013

If your case was assigned a Priority 3 - Pending, the priority of the case may be changed if you submit the following information and/or additional evidence:

JUN 29 2013 9:17PM HP LASERJET FAX

P. 2

**SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT
YUCAIPA SHERIFF'S STATION**

IN THE SUPERIOR COURT DISTRICT, CENTRAL DIVISION

COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

**SEARCH WARRANT
(Penal Code Section 1529)**

THE PEOPLE OF THE STATE OF CALIFORNIA: To any Sheriff, Constable, Peace Officer or Policeman in the County of San Bernardino.

That there is probable cause for believing that: the below listed property to be seized constitutes evidence which tends to show that a felony to wit: Penal Code Section 422 (Credible Threats) and PC 649.9 (Stalking). Credible Threats and Stalking have been or may have been committed in the County of San Bernardino, State of California.

Proof by affidavit, having been this day made before me by:

***Detective Kevin Allen
San Bernardino Sheriff's Department
Yucaipa Sheriff's Station***

Who on oath, makes complaint and deposes and says; that the information contained in this affidavit is for the purpose of securing a search warrant for the premises and property herein after described.

Jun 29 2013 9:17PM HP LASERJET FAX

p. 3

YOU ARE COMMANDED at any time of the day to make immediate search of:



The premise at [REDACTED] is located in the [REDACTED]. The crime occurred at [REDACTED] within this mobile home park. [REDACTED] is located on the northwest section of the mobile home park and on the north most street within the park. The numbers [REDACTED] are written in black on a white background on the north exterior wall of the carport area of the residence. The house is off-white in color with brown trim. The front door is recessed back away from the front of the house and faces north. The front door is a glass slider type door with cut-out cardboard in place of the glass. This mobile home space sets between mobile home spaces [REDACTED] to the west and [REDACTED] to the east.

Jun 29 2013 9:17PM HP LASERJET FAX

P. 4

FOR THE FOLLOWING:

Your Affiant is requesting to search for any and all matter and material which can show evidence of the criminal activity which was involved, was committed and/or caused or led to the kidnapping of the victim. Your Affiant desires to search for any and all material, which could be evidence of criminal activity or show a nexus between the suspect and the victim "Any and all matter and material" is to include, but not limited to, phone records, cellphones, tape recordings, cameras, video cameras, blood stains, possible weapons, possible items used as weapons, fluids, fingerprints, footprints, hair, fibers, blood, or other impressions. The areas to be searched are to include all rooms, attics, basements, cellars, safes, vaults and other parts therein, as well as surrounding grounds, garages, storage rooms, vehicles and out buildings of any kind located on the same premises.

Peace Officers or assigned representatives are authorized, during the execution of this Search Warrant, to video tape, photograph, and/or take digital images of the scene and surrounding area(s), take measurements and make sketches of the scene and adjacent areas; and to seize weapons, bludgeons, and guns; suspected blood and other physiological fluids; hair and fibers; fingerprints, footprints, and other impressions left at the murder/homicide scene; gunshot residue; any and all instruments used to aid and abet in the commission of murder/homicide, clothing of the suspects(s) and/or victims(s); photos and film, developed and undeveloped; samples of paint, glass, and other fluids and solids that may have stained or adhered to the clothing and person of the victim(s) and/or suspect(s).

AND TO SEIZE IT IF FOUND and bring it forthwith before me, or this court, at the courthouse of this court. This Search Warrant and incorporated Affidavit was sworn to as true and subscribed before me this 29th day of June, 2013. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

GIVEN UNDER MY HAND and dated this 29th day of June 2013.

Judge of the Superior Court

Division
County of San Bernardino
State of California

Jun 29 2013 9:17PM HP LASERJET FAX

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AFFIANT'S EXPERTISE:

Your Affiant, Kevin Allen, hereinafter referred to in the first person (i.e., me, myself or I), has been employed by the San Bernardino County Sheriff's Department as a full time peace officer for approximately twelve (12) years. I was hired in December of 2000 and graduated the 143rd session of the San Bernardino County Sheriff's Basic Academy in July of 2001. I worked as a jail deputy in West Valley Detention Center from July of 2001 until October of 2001. In October of 2001, I transferred to Central Detention Center of San Bernardino County. In July 2004, I was transferred to Chino Hills as a patrol Deputy. I worked uniform patrol and other assignments in the county areas of Chino Hills until October of 2006. As of October of 2006, I have been assigned to uniform patrol out of the Yucaipa Station where I was assigned to the traffic division. In March 2013, I was promoted to Detective. I am currently assigned as a station detective in the Yucaipa Police Investigation Division.

During my tenure with the San Bernardino County Sheriff Department, I have written and been granted many search warrants. These search warrants have been of various types, which include but are not limited to private property premise searches, computer searches, cellphone searches, as well as Ramey and Stegall warrants

I have investigated numerous deaths, assaults, thefts and a multitude of other crimes over the course of my employment with the Sheriff's Department.

Jun 29 2013 9:18PM HP LASERJET FAX

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PROBABLE CAUSE FOR ISSUANCE OF SEARCH WARRANT:

On June 29th, 2013, at approximately 1502 hours, deputies responded to a reported call of domestic disturbance at [REDACTED]. The call was reporting a white male suspect, later identified as MERLIN FACTOR (DOB: 061887), throwing rocks at the victim's residence. FACTOR had a previous intimate relationship with the victim. FACTOR broke a window, at the victim's residence. As the victim left [REDACTED] in her car she was contacted by FACTOR. FACTOR forced the victim to drive to her bank. FACTOR demanded the victim pull money out of her bank account for him. At approximately 1614 hours, Sheriff Dispatch received a second call for service. This call was from an anonymous caller reporting a domestic disturbance at Yucaipa Blvd and 3rd Street. The caller was reporting a female subject crying in a green vehicle. The suspect was described as a white male wearing a white T-shirt, black baseball cap, and blue jeans. At approximately 1628 hours, a third call for service was received by Sheriff Dispatch. This call came in from another but separate anonymous caller and was reporting an unknown problem at Yucaipa Blvd and 3rd Street. This caller told Dispatch to have a police officer respond quickly and then disconnected with Dispatch. While the victim and suspect were en route to the bank, responding deputies saw the victim's vehicle. Deputies initiated a traffic stop on the victim's vehicle, where it yielded in a church parking lot, on Yucaipa Blvd, just east of 3rd Street. Upon initial contact with the suspect (FACTOR), who was seated in the front passenger seat, FACTOR immediately became combative. Both deputies attempted to detain the suspect, as he was actively fighting and resisting. FACTOR was cussing at the deputies and refusing to follow orders and commands. Deputies tazed FACTOR with no effect. FACTOR appeared to be under the influence of drugs and continued to struggle and fight with deputies. During the struggle, FACTOR attempted to retrieve a weapon from his waistband, forcing deputies to use deadly force. FACTOR was transported to a local hospital where he succumbed, to his injuries.

Homicide Detectives arrived and started interviewing the victim and witnesses. During this interview process, the victim admitted the original report of kidnapping was not true. The victim admitted FACTOR has been harassing her and stalking her since they broke up. FACTOR has called her phone hundreds of times, has left numerous text based messages threatening to burn down her house, and he shows up at her house daily. Two days prior (062713), FACTOR had punched and kicked the victim causing bruising and injuries. She has been abused, harassed and stalked continually since their break-up. The victim is scared of FACTOR and believes he will continue to harass and stalk her every day. The victim knew FACTOR had warrants for his arrest. The victim planned to get FACTOR into her car and get him to police. FACTOR wanted to get money from the victim. The victim agreed to get FACTOR money and used this ploy to get FACTOR into her car. The victim thought if she drove her car on Yucaipa Blvd, police would eventually see her and stop her. She thought police would finally arrest FACTOR and get him out of her life.

JUN 29 2013 8:18PM HP LASERJET FAX

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STATUTORY GROUNDS:

Based on the foregoing information, your Affiant states that there is presently reasonable cause to believe that the above listed property constitutes evidence and/or evidence which tends to show a felony to wit PC207, kidnapping, has been committed within the County of San Bernardino, State of California. And this complainant prays that a Search Warrant may be issued to search for the same and that the same may be brought before a magistrate and disposed of according to law.

*Kevin Allen, Sheriff's Detective
San Bernardino Sheriff's Department
Yucaipa Sheriff's Station*

Subscribed and sworn to before me this 29th day of June 2013.

*Judge of the Superior Court
Division
San Bernardino County
State of California*

WARRANT NOTES

(No Notes)

County of San Bernardino.

The people of the State of California to any peace officer in the County of San Bernardino:

Proof, by affidavit, having been this day made before me by telephone by the officer whose signature is affixed to the affidavit, that there is probable cause for believing that evidence tending to show that a felony (or felonies) has or have been committed, you are therefore commanded to make search on the person and/or property set forth in the description page and/or affidavit, which is incorporated by reference herein; and, in the case of a thing or things or personal property, if you find the same or any part thereof, to bring the thing or things or personal property forthwith before me at the courthouse of this Court.

Given under my hand, and issued at 22:46 on this 29th day of June, 2013

Hobbs Sealing Approved: NO

Night Service Approved: YES

A rectangular box containing a handwritten signature in cursive script that reads "Gilbert Ochoa".

Judge Gilbert Ochoa

Warrant ID: 000003601

END OF WARRANT

Detailed History for Police Inc# #YC131800085 As of 8/20/2013 11:46:22

Output for: [REDACTED]

Priority:2 Type:69 - RESIST EXEC OFF
 Location:YUCAIPA BLVD / 3RD ST,YUC <34500/12099>
 Map:649 3J

Created:	06/29/2013 16:28:24	EC23
Entered:	06/29/2013 16:30:47	EC23
Dispatch:	06/29/2013 16:36:48	EC03
Enroute:	06/29/2013 16:36:48	EC03
Onscene:	06/29/2013 16:36:48	EC03
Control:	06/29/2013 18:51:25	EC10
Transprt:	06/29/2013 16:57:35	EC03
Complete:	06/29/2013 17:00:08	EC03
Closed:	06/30/2013 03:46:16	EC01

IC: PrimeUnit:42A75 Dispo:RTF Type:69 - RESIST EXEC OFF
 Jur:YC Group:YC Squad Area:YC1 RptDist:YC106
 Case #:YCR1302397 ☐ Detail

16:28:24 CREATE Location:YUCAIPA BLVD / 3RD ST,YUC Type:UNKPRO Inf/Name:VERIZON WIRELESS
 [REDACTED] 4 InfAdd:35022 AVENUE B,YUC Phone [REDACTED] Source:W911 Group:YC
 RD:YC106 TypeDesc:UNK PROBLEM LocDesc: <34500/12099> Priority:1 Response:1PAT
 Jur:YC Map:649 3J LocType:H RPCont:Anonymous

16:28:24 ALI E911Phne [REDACTED] E911Pilot: [REDACTED] E911Add:35022 AVENUE B,YUC
 E911Subs:VERIZON WIRELESS [REDACTED] 4 E911Srce:W911 Tower:VZW AliLong:-
 117.040572 AliLatitude:34.03229700 Uncertainty:707 Confidence:100

16:28:24 ALIGEO GeoLong:-117.040572 GeoLat:34.03229700

16:28:24 ALIGEO GeoLong:-117.040572 GeoLat:34.03229700 ClosestAdd:12191 1ST ClosestInt:1ST / AVENUE B
 InterDesc:227 ft NE Area1:YC210

16:30:47 ENTRY Inf/Name:VERIZON WIRELESS [REDACTED] -->VERIZON WIRELESS [REDACTED] 4
 Text:FEM ON THE LINE REQ A UNIT TO HURRY TO YUC AND 3RD AND
 DISCONNECTED. WILL ATTEMPT CB POSS RELATED TO .YC73

16:30:47 -PREMIS Text:PPR

16:31:11 XREF Service:P Inc#:#YC131800083 Type:415 Jur:YC

16:31:46 INFO Text:ON CB CALL WENT TO VM.

16:31:46 ALI E911Phne: [REDACTED] E911Pilot: [REDACTED] E911Add:35022 AVENUE B,YUC
 E911Subs:VERIZON WIRELESS [REDACTED] E911Srce:W911 AliLong:-117.040572
 AliLatitude:34.03229700 Confidence:100

16:32:05 XREF Service:P Inc#:#YC131800073 Type:594 Jur:YC

16:33:46 MISC Text:AIRED TO 14P32, ENRT FRM 3RD/AVE H

16:33:48 NOMORE

16:34:16 HOLD

16:36:29 COMBIN Service:P Inc#:#YC131800083 Type:415 Jur:YC

16:36:48 DISPOS 14P32 Operator: [REDACTED] OperNames:DIAZ,ISMAEL,YC

16:36:48 DISPOS 14P31 Operator: [REDACTED] OperNames:PEREA,JOSEPH,YC

16:36:48 -PRIU 14P32

16:36:59 MISC 14P31 Text:NO FD'S NO ONE IN THE AREA

16:37:37 *ASSIST 14P21 CalSgn:14P32 Operator: [REDACTED] OperNames:ROMERO,TONY,YC

16:38:45 MISC 14P31 Text:SHOTSF SUBJ REACHING FOR GUN IN WAIST BAND

16:38:54 MISC 14P31 Text:FIRST BAPTIST CHURCH

16:39:13 ONSCN 14P21
 16:39:16 MISC 14P31 Text:C33
 16:39:27 CLOS 14P31
 16:39:31 ASSIST 14W1 CalSgn:14P31 Operator: [REDACTED] OperNames:TAYLOR,DARRIN,YC
 16:40:07 CLOS 14P31 Location:FIRST BAPTIST CHURCH ON BLVD
 16:40:25 MISCN 14P31 Text:CAL FIRE ADV'D AND ROLLING IN
 16:41:04 MISC 14P32 Text:NEED UNITS TO 3RD AND THE BLVD TO GET WITNESS STATEMENTS YELLOW TAPE NEEDED
 16:41:44 ASSIST 40K2 CalSgn:14P32 Operator: [REDACTED] OperNames:HOAG,ROBERT,AV BORGERD,DAVID,AV
 16:42:21 ASSIST 4V5 CalSgn:14P32
 16:42:34 BACKOS 14A21 CalSgn:14P32 Operator: [REDACTED] OperNames:CAHILL,TANYA,YC
 16:43:04 BACKOS 14MET1 CalSgn:14P32 Operator: [REDACTED] OperNames:EVERSOLE,SHERRY,YC RICE,DANNY,YC
 16:43:39 MISC 14MET1 Text:CPR IS IN PROGRESS, FIRE NOT 97; ALL SUSP INCUSTODY
 16:43:57 BACKOS 14S4 CalSgn:14P32 Operator: [REDACTED] OperNames:GONZALEZ,FEDERICO,YC
 16:44:02 MISC 14MET1 Text:AMR 97
 16:44:26 CONTCT 14P32 4V5 14A21 14MET1 14P21 14P31 14S4 14W1 40K2
 16:45:12 BACKOS 4P21 CalSgn:14P32 Operator: [REDACTED] OperNames:PLACENCIA,MIGUEL,YC
 16:46:15 MISC 4P21 Text:NEED 4V5 W/B TRAFFIC ON YC BLVD AT 2ND AND DIVERT TRAFFIC N/B ON 2ND
 16:46:22 CHGLOC 4V5 Location:YUCAIPA BLVD / 2ND ST,YUC
 16:47:09 *ASSIST 4P5 CalSgn:14P21 Operator: [REDACTED] OperNames:FRANKLIN,PAUL,YC
 16:48:06 MISC 14S4 Text:NEED PHOTO'S BEFORE TRANSPORT
 16:48:41 MISC 14S4 Text:ALL UNITS WILL BE C4
 16:51:27 CLOS 4P5 Location:NORTH SIDE OF CHURCH
 16:51:35 MISC 14S4 Text:NOTIFY HOMICIDE AND MAKE NOTIFICATIONS; 14L ADV'D
 16:51:38 ASSIST 14L1 CalSgn:14S4
 16:52:10 MISC 14S4 Text:HOMICIDE/DET AVILA NOTIFIED, WILL 21 THE SAM
 16:53:23 CHGLOC 14MET1 Location:19 Text:W/INV'D DEP
 16:53:37 CLOS 4P5 Location:NORTH SIDE OF CHURCH
 16:53:58 ONSCN 40K2
 16:54:45 CONTCT 14P32 4V5 4P5 4P21 14A21 14L1 14MET1 14P21 14P31 14S4
 16:54:45 CONTCT 14W1 40K2
 16:55:23 MISC 14S4 Text:CRIME LAB/DET DECOUD NOTIFED, WILL 21 DET AVILA
 16:57:11 MISC 14S4 Text:CIVIL LIAB/INV CLEMMER NOTIFIED, WILL 21 THE SAM
 16:57:35 TRANSP 14P21 Location:19 Mileage:0.0 Text:FEM VICT
 16:58:47 ASSIST 14C CalSgn:14S4
 16:59:41 MISC 14S4 Text:START COUNSELING TEAM TO STATION
 17:00:08 CMPLT 14P21 Mileage:1.1
 17:04:16 MISC 14S4 Text:COUNSELING TEAM ADV'D AND ADV'D TO RESPOND TO THE YC STN. ETA WILL BE AN HOUR TO AN HOUR AND HALF TO STATION
 17:04:17 BACKOS 14X10 CalSgn:14S4 Operator: [REDACTED] OperNames:LUGO,ERIC,YC
 17:04:31 MISC 14X10 Text:UTL ANY WITNESSES AT THE CAR WASH NEAR INC
 17:05:41 *ONSCN 14W1
 17:05:41 *ONSCN 14W1
 17:06:30 ONSCN 14L1
 17:06:59 MISC 14S4 Text:PEER SUPPORT/LT BECTEL ADV'D
 17:07:19 MISC 14S4 Text:WILL SET DOWN AT YC BLVD TO PU 14A21 FOR PHOTOS
 17:07:51 BACKOS 14S8 CalSgn:14S4 Operator: [REDACTED] OperNames:OBRIEN,MICHAEL,YC
 17:12:46 MISC 14S4 Text:SUBJ TRANSPORTED TO REDLANDS COMMUNITY
 17:15:44 ONSCN 14C
 17:17:29 MISC 14S4 Text:A+ SENT OUT
 17:18:58 CHGLOC 14MET1 Location:REDLANDS COMMUNITY
 17:19:32 CLEAR 40K2

17:20:28 BACKOS 14S6 CalSgn:14S4 Location:19
 17:20:51 *CLEAR 4P21
 17:23:52 ASSIST 4P21 CalSgn:14A21 Operator: OperNames:PLACENCIA,MIGUEL,YC
 17:23:55 CHGLOC 4P21 Location:
 17:26:02 ASSIST 60H17 CalSgn:14S4 Location:REDLANDS COMMUNITY Operator: OperNames:FORD,RYAN,SID
 17:26:04 MISC 14MET1 Text:FEM VIC :
 17:26:12 CLOS 14MET1 Location:19
 17:26:25 MISC 14S4 Text:C33 LIFTED
 17:27:17 RFT 14MET1 Text:INQUIRY SNS,
 17:27:53 MISC 14MET1 Text:MALE SUSP: FACTOR, MERLIN 06181987
 17:28:18 ONSCN 4P21
 17:28:23 RFT 14MET1 Text:INQUIRY SNS,FACTOR,MERLIN,,M,06/18/1987,,,,X,X,X,X,,,,,
 17:28:33 RFT 14MET1 Text:INQUIRY SNS,FACTOR,MERLIN,,M,06/18/1987,,,,X,X,X,X,,,,,
 17:29:04 CLOS 14P31 Location:19
 17:29:18 *CLEAR 4P5
 17:29:25 LOGM 14MET1 Message:021306300029000124 MessageType:HTML Received:06/29/2013 17:28:34
 Text:SNS WARR FACTOR
 17:29:44 XREF Service:P Inc#:CO131800034 Type:CORDB Jur:COR Text:RELATED
 17:29:44 RFT 14MET1 Text:INQUIRY CDL,X,
 17:30:05 LOGM 14MET1 Message:021306300030000129 MessageType:Text Received:06/29/2013 17:29:49
 Text:WPS WARR FACTOR
 17:30:27 LOGM 14MET1 Message:021306300030000131 MessageType:Text Received:06/29/2013 17:30:19
 Text:DL FACTOR
 17:30:49 LOGM 14MET1 Message:021306300030000135 MessageType:Text Received:06/29/2013 17:27:18
 Text:DL
 17:37:33 CLEAR 14X10
 17:39:55 MISC 14S4 Text:FIRE ADV'D THAT SUSP WAS PRONOUNCED AT REDLANDS COMMUNITY
 ER
 17:43:08 CONTCT 14P32 4V5 14C 4P21 14A21 14L1 14MET1 14P21 14P31 14S4
 17:43:08 CONTCT 14S6 14S8 14W1 60H17
 17:46:19 COMBIN Service:P Inc#:YC131800073 Type:594 Jur:YC Text:RELATED PER 14S6
 17:47:14 LOGM 4P21 Message:021306300047000206 MessageType:HTML Received:06/29/2013 17:46:11
 Text:PRIOR CALLS TO
 17:48:33 RFT 4P21 Text:INQUIRY SNS,
 17:49:04 LOGM 4P21 Message:021306300049000219 MessageType:Text Received:06/29/2013 17:48:37 Text:EXP
 DL
 17:49:10 LOGM 4P21 Message:021306300049000220 MessageType:HTML Received:06/29/2013 17:48:34
 Text:31/
 17:56:39 ASSIST 42A75 CalSgn:60H17 Location:REDLANDS COMMUNITY Operator: OperNames:LYNDES,JUSTIN,SID
 17:56:46 CHGLOC 42A75
 17:59:54 MISC 14S6 Text:PER INTAKE MALE SUBJ CALLED ADV'G HE WITNESSED SHOOTING AND
 WANTED TO GIVE A STATEMENT, REFUSED TO GIVE INFO AND HU; AIRED TO
 14S6; 14S6 ADV'G UTL SUBJ OUTSIDE OF STN
 18:00:11 CONTCT 14P32 4V5 14C 4P21 14A21 14L1 14MET1 14P21 14P31 14S4 Contact:60
 18:00:11 CONTCT 14S6 14S8 14W1 42A75 60H17 Contact:60
 18:02:33 ASSIST 42A84 CalSgn:60H17 Location:REDLANDS COMMUNITY Operator: OperNames:FOSTORE,CAROL,SID
 18:04:56 TRANSP 4P21 Location:19 Mileage:264 Text:W/WITNESS AND JUV XRAY
 18:05:59 ASSIST 60S4 CalSgn:14S4 Operator: OperNames:NEWPORT,TREVIS,SP
 18:09:08 BACKOS 106 CalSgn:14S4 Operator: OperNames:WILLIAMS,DAVID,HI
 18:09:20 CMPLT 4P21 Mileage:266
 18:11:29 *CLEAR 14W1
 18:17:00 ONSCN 60H17

18:20:07 ASSIST 60H13 CalSgn:60S4
 18:20:07 ASSIST 60H14 CalSgn:60S4
 18:20:07 ASSIST 60H15 CalSgn:60S4
 18:20:07 ASSIST 60H18 CalSgn:60S4
 18:20:41 ONSCN 42A75
 18:25:09 ONSCN 60S4
 18:37:27 RFT 14MET1 Text:INQUIRY SNS,FACTOR ,MERLIN,,M,06181987,,,,X,X,X,X,,,,,
 18:51:25 OK 14A21 14S4
 18:57:14 CLEAR 14P21
 18:58:07 CLOS 14A21 Location: [REDACTED]
 18:58:11 OK 14A21
 18:59:03 *CLEAR 14S4
 19:02:27 *CLEAR 14S6
 19:29:39 MISC Text:MALE CALLED IN, ADVD HE WAS AT THE STN AND WANTED TO GIVE A STATEMENT REF THE OIS, WHEN ATTEMPT'D TO GET MALES INFO HE BECAME 415V AND HU, NO INFO NO CB FOR MALE
 19:39:07 CHANGE 60H13 Type:UNKPRO-->207 Priority:1-->E CAS:0326 TypeDesc:UNK PROBLEM-->KIDNAPPING J/O
 19:39:07 CASE 60H13 Case#:YCR1302397
 19:59:33 PRMPT 4V5
 20:06:26 *CLEAR 14MET1
 20:11:24 CLOS 4P21
 20:11:44 CLOS 4P21 Location: [REDACTED]
 20:24:10 CLEAR 14A21
 20:39:57 ONSCN 42A84
 20:40:05 CHGLOC 42A84 Location:YUCAIPA STATION,YUC
 20:52:38 MISC Text:***** RP, [REDACTED] WANTS A DEP TO CALL HER BACK @ [REDACTED]
 [REDACTED] WANTS TO KNOW IF IT IS HER BROTHER, MERLIN FACTOR THAT WAS INVOLVED *****
 21:00:59 ONSCN 42A84
 21:16:16 OK 14P32 14C 4P21 14L1 14P31 14S8 42A75 42A84 60H13 60H14
 21:16:16 OK 60H15 60H17 60H18 60S4 106
 21:23:20 CHGLOC 60H17 Location:YUCAIPA STATION,YUC
 21:58:10 CONTCT 14P32 14C 4P21 14L1 14P31 14S8 42A75 42A84 60H13 60H14 Contact:00
 21:58:10 CONTCT 60H15 60H17 60H18 60S4 106 Contact:00
 23:31:02 *CLEAR 4P21
 23:37:00 LOGM Message:021306300637002014 MessageType:HTML Received:06/29/2013 23:32:19
 Text:PRIORS AT [REDACTED]
 [06/30/2013]
 00:01:10 SCDOFF 14S8
 00:07:41 CLEAR 14S8
 01:40:43 SCDOFF 60H17
 01:40:45 CLEAR 60H17
 02:35:04 SCDOFF 14C
 02:35:13 SCDOFF 14L1
 02:35:34 SCDOFF 14P31
 02:35:38 SCDOFF 14P32
 02:35:40 SCDOFF 106
 02:36:22 PRMPT 14P32 14C 14L1 14P31 106
 02:36:22 -PRIU 42A75
 03:00:31 SCDOFF 42A84
 03:00:34 PRMPT 42A84
 03:08:13 CLEAR 60S4
 03:19:28 MISC Text:FIRE ENRT FOR CLEAN UP
 03:31:38 MISC Text:FIRE 97



JOHN MCMAHON SHERIFF-CORONER

PRESS RELEASE

Date: 06/29/2013

Time: 1502 hours

Location: Yucaipa Blvd. near 3rd Street, Yucaipa

Incident: Officer Involved Shooting

Suspect: Merlin Factor (25 YOA)

Victim(s): San Bernardino County Sheriff's Deputies

SUMMARY:

On Saturday, June 29, 2013, at approximately 3:00 p.m., deputies from the San Bernardino County Sheriff's Department responded to a vandalism/disturbance call at a residence in the 12900 block of 2nd Street, in the city of Yucaipa.

Upon arriving on scene, deputies discovered a subject, Merlin Factor, vandalized a mobile home and was last seen with a female who resided at the location. Factor was known to have felony warrants for his arrest. Deputies began checking the area for Factor and the female.

A short time later, the female called 911 and deputies responded to the area of Yucaipa Blvd. and 3rd Street. Deputies spotted the female and Factor in a vehicle. Deputies conducted a traffic stop on the vehicle in the area of Yucaipa Blvd. and 3rd Street.

Factor got out of the vehicle and began fighting with deputies. Factor attempted to retrieve a weapon during the struggle, forcing a deputy to shoot him. Paramedics responded to the scene and Factor was transported to a nearby hospital, where he was pronounced deceased. Detectives from the San Bernardino County Sheriff's Department's Homicide Detail responded to the scene and are conducting an investigation.

Refer: Detective Edward Bachman or Sergeant Trevis Newport

Station: Specialized Investigations Division Homicide Detail

Phone No.: (909) 387-3589

Case No.: 141302397 H #2013-056

JOHN MCMAHON, Sheriff-Coroner
San Bernardino County Sheriff-Coroner Department

San Bernardino County Sheriff - Coroner Division

Report Of Death Worksheet

1

MODE **Homicide**

CASE # **701304849**

STATUS **Post - OC**

DEPUTY **David McCarthy**



CASE INFO

REPORTED BY RN [REDACTED]	AGENCY Redlands Community Hospital (RCH)	DATE 06-29-13	TIME 1726
NEWS RELEASE Yes	NAME RELEASABLE Yes	ROLL-OUT? Yes	# OF PHOTOS 32
MEDIUM Digital		SPECIAL CIRCUMSTANCES Officer Involved	

DECEDENT INFO

1 NAME (FIRST) Merlin		2 (MIDDLE)		3 (LAST) Factor	
AKA			DOE TYPE/NUMBER		PHONE
20 ADDRESS				21 CITY Yucaipa	25 STATE 92399
6 SEX Male	14 RACE White	4 DOB 06-18-1987	5 AGE 26 yrs	RELATED CASE NUMBERS N/A	
BODY BAG # 4792734		TOE TAG 30960	10 SS#	HEIGHT	WEIGHT
DRIVER'S LIC. #		STATE	HOW IDENTIFIED	Prints via Integrated Biometric Identification System (IBIS). I received positive identification of Merlin Michael Factor to CII	

LEGAL NEXT OF KIN

NAME [REDACTED]	RELATIONSHIP Sister	MOTHER'S DOB/AGE	DATE/TIME NOTIFIED 06-29-13 2130	NOTIFIED BY SBSO Homicide
ADDRESS			21 CITY	25 STATE 23 ZIP
PHONE		ALTERNATE PHONE #		

CE/DEATH OCCURRED

DATE 06-29-13	TIME 1720	DAY OF DEATH Saturday	PRONOUNCED BY [REDACTED]
101 PLACE OF DEATH Redlands Community Hospital (RCH)			102 IP-ER/OP-DOA In Patient
105 FACILITY ADDRESS OR LOCATION WHERE FOUND 350 Terracina Blvd.			106 CITY Redlands

INVESTIGATIVE SUMMARY

ADDITIONAL NARRATIVE ATTACHED ☒ YES ☐ NO

On 06/29/2013, at approximately 1630 hours, Merlin Factor, a 26 year-old resident of Yucaipa, was shot during a confrontation with a San Bernardino County deputy sheriff in the area of Yucaipa Blvd. and 3rd Street, in Yucaipa. Paramedics responded to the scene and transported him to Redlands Community Hospital where he was pronounced dead at 1726 hours.

E TO PATHOLOGY

Related to the Riverside County Medical Examiner for autopsy and toxicology.

San Bernardino County Sheriff - Coroner Division

Report Of Death Worksheet



2	MODE Homicide	CASE # 701304849
	STATUS Post - OC	DEPUTY David McCarthy

MEDICAL

TRANSPORTED FROM N/A	ADMITTED TO? RCH	DATE 06-29-13	TIME 1718	M/R ORDERED Yes 06-29-13	MED REC # 209188	BLOOD ORDERED Not Available
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CAUSE OF DEATH

107 CAUSE (A) Pending	TIME INTERVAL	109 BIOPSY PERFORMED? <input type="checkbox"/> YES <input type="checkbox"/> NO
DUE TO (B)		110 AUTOPSY PERFORMED? <input type="checkbox"/> YES <input type="checkbox"/> NO
(C)		AUTOPSY # EXAM #
(D)		INDIGENT #

112 OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RELATED TO CAUSE GIVEN IN 107

113 WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 107 OR 112? IF "YES" LIST TYPE OF OPERATION & DATE.

☐ YES ☐ NO DESCRIBE

ATTENDING PHYSICIAN N/A	PHONE	DATE LAST ATTENDED	CAUSE GIVEN BY Dr. Park
115 PHYSICIAN TO SIGN D.C. Riverside Coroner	ADDRESS	PHONE	DATE 07-02-13 TIME 0000

INJURY

SPECIFY MODE Homicide	123 PLACE OF INJURY Parking Lot	120 AT WK? No	121 DATE 06/29/2013	122 HOUR 1638
125 LOCATION (include Zip Code) 34784 Yucaipa Blvd. Yucaipa, 92399				
124 DESCRIBE HOW INJURY OCCURRED Shot by law enforcement officer(s)				

PROPERTY

PROPERTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	PROP RLS'D? <input type="checkbox"/> YES <input type="checkbox"/> NO
--	---

LAW ENFORCEMENT

AGENCY San Bernardino Co. Sheriff's Dept. (SBCSD) Riverside Co. Sheriff's Dept.	AGENT Detective R. Ford Sgt. B. Marks	REPORT NUMBER 141302397 2013-05987
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AUTOPSY

ORDERED BY DM	DATE 07-01-13	TOX ORDERED	TOX RECEIVED	AGENT(S) TO ATTEND Detective R. Ford, [REDACTED]
------------------	------------------	-------------	--------------	---

DISPO OF REMAINS

PRESENT LOCATION RELEASE	MORGUE STATUS	VEHICLE N/A TOWED
TRANSPORTED BY TFS	NOTIFIED BY David McCarthy	DATE 06-29-13
44 MORTUARY Weaver-Hughes Mortuary #1253	PHONE OF MORTUARY [REDACTED]	TIME 1807
		ARRIVED 1932

VIEWED BY Notaro 07-01-13 0130

San Bernardino County Sheriff - Coroner Division

Report Of Death Worksheet

3

MODE Homicide

CASE # 701304849

STATUS Post - OC

DEPUTY David McCarthy



Coroner Investigation

07/01/2013

NOTIFICATION OF DEATH TO CORONER/ARRIVAL AT SCENE:

On 06/29/2013, I was assigned as a Deputy Coroner Investigator with the Coroner's Division of the San Bernardino County Sheriff's Department (SBSD). At 1734 hours, I received notification from our Computer Aided Dispatch (CAD) indicating RN [REDACTED] of Redlands Community Hospital (RCH) had called to report an Emergency Department (ED) death located at 350 Terracina Blvd., Redlands. The death was reportedly as a result of a gunshot wound. I was provided additional information in the call from sheriff's dispatch that the above call was related to an officer-involved-shooting that occurred in the city of Yucaipa (Police Incident #YC131800085).

At approximately 1739 hours, I made telephone contact with RN [REDACTED] who told me that Merlin Factor, a 26 year-old White male, was brought into RCH emergency department (ED) by paramedic ambulance on 06/29/2013, at 1718 hours. Factor had arrived in traumatic cardiac arrest after being shot. Advanced cardiac life support (ACLS) and cardiopulmonary resuscitation (CPR) had been initiated by the paramedics prior to arrival and continued upon arrival at RCH. Resuscitative efforts were not successful and Dr. [REDACTED] pronounced Factor dead at 1720 hours.

At approximately 1755 hours, I made telephone contact with SBSB Homicide Detective R. Ford who confirmed the shooting had involved a SBSB deputy. Ford was enroute to RCH and ready for my response.

The original call was received at 1726 hours. I subsequently responded from the Coroner's Central Station at 1824 hours, and arrived on-scene at 1841 hours. I eventually cleared the hospital at 2036 hours.

SAN BERNARDINO COUNTY SHERIFF DEPT. (SBSD) PERSONNEL AT RCH:

Detective R. Ford - SBSB Homicide

C. Fostore - SBSB Crime Scene Specialist

I made contact with Detective Ford in the ED at RCH in the resuscitation room (also known as bed number 8). At approximately 1855 hours, Detective Ford gave a briefing on the events of the incident. Detective Ford said that the information was very preliminary and that the investigation was active and ongoing.

At approximately 1636 hours on 06/29/2013, sheriff's dispatch received a 911 call for an unknown problem from a female in the area of Yucaipa Blvd. and Third St., in the city of Yucaipa. Deputies arrived on scene and made contact with Factor. During that contact a physical fight began with the deputies and Factor. During the fight a conducted energy device was deployed with no effect on Factor. The fight continued and at some point Factor attempted to retrieve a weapon, forcing the deputy to shoot Factor. The caliber of the weapon that the deputy shot Factor with was believed to be a .46 caliber semiautomatic handgun.

At approximately 1946 hours, Crime Scene Specialist C. Fostore performed a Gunshot Residue (GSR) test to both of Factor's hands. At approximately 1950 hours, she collected a buccal swab from Factor's oral cavity.

PARAMEDIC RUN SHEET:

Upon my arrival in the ED, I was given a copy of the paramedic run sheet and the hospital generated medical record by RN [REDACTED]. The following is a summary of the paramedic run sheet.

San Bernardino County Sheriff - Coroner Division

Report Of Death Worksheet

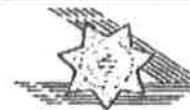
4

MODE **Homicide**

CASE # **701304849**

STATUS **Post - OC**

DEPUTY **David McCarthy**



American Medical Response (AMR) Paramedic [REDACTED] completed the run sheet. Incident number 4273698 was assigned to the call and paramedic unit number 2310 received the call at 1641 hours. The unit arrived on scene at 1644 hours, and made contact with Factor at 1645 hours. They eventually transported Factor at 1648 hours, and arrived at RCH at 1722 hours. The incident location was given as Third St. and Yucaipa Blvd., Yucaipa.

The narrative on the run sheet indicated that when the paramedics arrived on scene they found Factor handcuffed and lying supine on the ground with a SBS deputy performing CPR. Factor had been shot multiple times by a deputy after a struggle. Factor had a weak carotid pulse and faint lung sounds. CPR was then taken over by the paramedics. ACLS and CPR was initiated and maintained throughout the transport to RCH.

RCH MEDICAL RECORD:

The following is a summary of the RCH medical record.

At 1718 hours, the patient arrived in the ED in traumatic cardiac arrest status post officer involved shooting. Upon arrival the patient was in asystole with ACLS and CPR in progress. The patient had been asystole for approximately 10 minutes prior to arrival at RCH. The patient was intubated and had a thoracotomy bilaterally. There were multiple gunshot wounds (GSW) noted by the ED staff. ACLS and CPR was continued by ED staff to avail. Dr. Wilson pronounced the patient dead at 1720 hours.

BODY DESCRIPTION:

Factor was located in the ED at RCH in bed number 8. At approximately 1900 hours, I began the body examination. The body was that of a nude (with the exception of a pair of blue socks to his feet) White male adult appearing to be the stated age of 26. He was lying supine on a hospital gurney atop an orange backboard. He had a hospital identification band identifying him as "Merlin Factor" attached to his right wrist. He had brown hair and brown eyes.

When Factor was rolled on his left side to assess the posterior portion of the body a conducted energy device dart was found imbedded about mid-back, lateral to the midline of the spine. The dart was left in place for collection at autopsy by Crime Scene Specialist personnel.

EVIDENCE OF MEDICAL INTERVENTION:

Therapeutic devices on the body included but were not limited to:

- Endotracheal (ET) tube protruding from the oral cavity
- Electrocardiogram (EKG) patches to the anterior torso
- Defibrillator pads to right upper chest and left flank
- Needle thoracostomy insertion to the right/left upper chest
- Attempted intravenous (IV) access to right antecubital fossa
- Interosseous (IO) access to the right/left medial patella area

TRAUMA:

injuries were documented as observed and not through sequence of occurrence.

Trauma included but was not limited to:

- GSW to right upper arm on lateral

San Bernardino County Sheriff - Coroner Division

Report Of Death Worksheet

MODE **Homicide**

CASE # **701304849**

STATUS **Post - OC**

DEPUTY **David McCarthy**



- GSW graze to right bicep
- Open wound to right lateral anterior forearm, consistent with a graze wound
- GSW to right medial forearm
- 2-GSW to right axilla
- GSW to right lateral elbow
- 3-GSW to right flank area
- Hematoma to right scapular area
- Abrasion to right elbow
- GSW to right lateral mid abdomen
- GSW to right iliac crest area
- 2-GSW to right upper back
- GSW to right upper lateral back area
- Laceration to middle knuckle on right index finger, consistent with a graze wound
- GSW to right upper chest, lateral to the sternum
- GSW to left upper chest, lateral to the sternum
- Raised defect just above left upper abdominal quadrant, lateral to ziphoid process
- GSW to left upper lateral chest
- GSW to left bicep
- Abrasion to left elbow

ENCE OF POSTMORTEM CHANGE:

Both eyes were congested and appeared to be free of petechial hemorrhage. The body was cold to the touch. Rigor mortis was present to the jaw, neck, and upper/lower extremities. Lividity was posterior, consistent with body position, and blanched on palpation.

INVESTIGATION:

I took 32 digital photographs of the body. Toe tag number 30960 was affixed to the right toe. The body was placed in a yellow Coroner body pouch and secured with lock number 4795436. The examination was completed at approximately 2020 hours.

After the examination, the body was transported to the Riverside County Morgue Facility in Perris, California, by Traditional Funeral Services at my request for autopsy by the Riverside County Medical Examiner per policy.

PROPERTY:

No property was retained.

IDENTIFICATION AND NEXT OF KIN NOTIFICATION:

Prints via Integrated Biometric Identification System (IBIS). I received positive Identification of Merlin Michael Factor to CII # [REDACTED]. The TCN number was [REDACTED]. The prints were electronically sent on 06/29/2013, at 1952 hours, and received the results on 06/30/2013, at 1348 hours.

tor's sister, [REDACTED], was notified of his death on 06/29/2013, at approximately 2130 hours, by ASD Homicide detectives.

DISPOSITION:

San Bernardino County Sheriff - Coroner Division

Report Of Death Worksheet

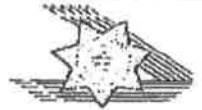
6

MODE Homicide

CASE # 701304849

STATUS Post - OC

DEPUTY David McCarthy



Submitted to the Riverside County Medical Examiner for autopsy and toxicology.



SHERIFF-CORONER
COUNTY OF RIVERSIDE
STANLEY SNIFF, Sheriff-Coroner

701304849

JENNIFER PARK, D.O.
Forensic Pathologist

2013 AUG -2 PM 1:42

AUTOPSY PROTOCOL

NAME OF DECEDENT: FACTOR, MERLIN

FILE NUMBER: 2013-05987

FINAL DIAGNOSES:

- I. Multiple gunshot wounds:
 - a. Total of 9 projectiles/group of projectile fragments recovered.
 - b. Lacerations of heart.
 - c. Lacerations of lungs.
 - d. Left hemothorax.
 - e. Lacerations of spleen.
 - f. Lacerations of liver.
 - g. Lacerations of right kidney.
 - h. Lacerations of esophagus, stomach, and small intestine.
 - i. Hemoperitoneum.
 - j. Soft tissue and muscle ecchymoses.
- II. Electro-Muscular Disruption Technology(EMDT) device prong embedded in back.
- III. Slight pulmonary congestion.

CAUSE OF DEATH: MULTIPLE GUNSHOT WOUNDS

ATTENDEES:

Eddie Bachman of San Bernardino Sheriff's Department
A. Martinez of SBSB

CLOTHING:

A pair of navy socks, not on body

"I hereby certify that I, Jennifer Park, D.O., Forensic Pathologist, have performed an autopsy on the body of Merlin Factor, on July 2nd, 2013, commencing at 9:35 a.m., at the Office of the Riverside County Sheriff-Coroner."

EXTERNAL EXAMINATION:

The body is received in a sealed yellow body bag with a red seal number 4795436 that is broken at 9:45 a.m. The decedent is a well-developed, well-nourished, approximately 5 foot 10 inch and 142 pound white male who appears the reported age of 26 years. The decedent is identified by a Coroner's identification tag bound to the right great toe labeled "Factor, Merlin number 701304849."

The body is fairly well preserved and refrigerated. Slight rigor mortis is detected in the extremities. Pink-purple livor mortis is on the back.

The scalp has a full crop of up to 1/2 inch in length straight brown hair. Facial hair consists of mustache and beard stubble. The eyes have brown irides. The sclerae are nonicteric. The bulbar and palpebral conjunctivae have no petechiae. The nasal septum is intact. The oral mucosa and frenula are intact. The teeth appear natural and are in good condition.

The neck is well formed, straight, and has no injury. The chest is symmetrical, and the abdomen is flat. The external genitalia are those of a normal adult male. The penis appears circumcised. The testes are palpable in the scrotal sac. The back is straight and symmetric. The external anus is unremarkable. Green discoloration is on the left chest and right abdomen.

The arms and legs are symmetric and normally developed. The fingernails and toenails are short.

A tattoo of a design is on the right upper arm. A tattoo of what appears to be "Mara Ma Love" is on the right upper back. A tattoo of a naked woman is on the lateral right lower leg. A tattoo of multiple skulls is on the posterior right lower leg.

EVIDENCE OF MEDICAL INTERVENTION:

An endotracheal tube enters the mouth. A defibrillator pad is on the right chest. Electrocardiographic leads are on the chest and abdomen. A single lumen catheter enters the right upper chest and drains bloody fluid. A single lumen catheter enters the left upper chest and drains bloody fluid. Gauze is on the ventral right forearm. A hospital identification bracelet is around the right wrist labeled "Factor, Merlin." An intraosseous catheter enters the left and right anterior proximal lower legs.

EVIDENCE OF INJURY:

GUNSHOT WOUND OF RIGHT UPPER ARM:

An entrance-type gunshot wound is on the lateral aspect of the right upper arm, 6 inches below the right shoulder. It is a 1.5 x 1 centimeter irregular ovoid defect. No soot, stippling or muzzle imprint is associated with the wound.

The projectile passes through the soft tissues and muscles of the right upper arm and exits through a 3.1 x 1.3 centimeter irregular defect on the medial aspect of the proximal right upper arm, 5-1/2 inches below the top of the right shoulder. No soot or stippling is associated with the wound.

A 2.6 x 2.5 centimeter irregular defect is 5-1/2 inches to the right of the midline and 17-1/2 inches below the vertex of the head on the right lateral chest lateral to the right nipple. No soot, stippling or muzzle imprint is associated with this defect. This defect aligns with the exit wound of the medial right upper arm. The wound track is hemorrhagic and extends into the soft tissues and muscles superficially within the anterior chest wall. No projectile is recovered from this wound track.

The wound path is associated with soft tissue and muscle ecchymoses.

The direction of the wound path, with the body in anatomic position, is right to left and upward.

GUNSHOT WOUND OF RIGHT AXILLARY AREA:

An entrance-type gunshot wound is in the area of the right axilla, 10-1/2 inches right of the midline and 17 inches below the vertex of the head. It is a 1.3 x 0.9 centimeter irregular ovoid defect. No soot, stippling or muzzle imprint is associated with the wound.

The projectile passes through the soft tissues and muscles of the right axillary area and exits through an irregular ovoid defect 15 inches below the vertex of the head and 9-1/2 inches to the right of the midline. It is a 2 x 0.9 centimeter irregular ovoid defect. No soot or stippling is associated with the wound. A 1 x 1/4 inch linear abrasion is on the posterior aspect of the right upper arm. This abrasion lines up with the exit wound.

The wound path is associated with soft tissue and muscle ecchymoses.

The direction of the wound path, with the body in anatomic position, is upward.

MULTIPLE ENTRANCE WOUNDS OF RIGHT CHEST AND ABDOMEN:

Multiple entrance-type gunshot wounds are in the area of the right lateral chest and right abdominal area. From superior to inferior, the dimensions of the entrance wounds are as follows:

A 1 x 0.9 centimeter irregular ovoid defect 17-3/4 inches below the vertex of the head and 11-3/4 inches to the right of the midline.

A 1 x 0.9 centimeter irregular ovoid defect 20 inches below the vertex of the head and 12 inches to the right of the midline.

A 1 x 0.9 centimeter irregular ovoid defect 20 inches below the vertex of the head and 11 inches to the right of the midline.

A 1.5 x 0.9 centimeter irregular ovoid defect 10-1/2 inches to the right of the midline and 20 inches below the vertex of the head.

A 1 x 0.9 centimeter irregular ovoid defect 22 inches below the vertex of the head and 10-1/2 inches to the right of the midline.

A 1 x 0.6 centimeter irregular ovoid defect 10-1/2 inches to the right of the midline and 25 inches below the vertex of the head.

A 1.2 x 0.6 centimeter irregular ovoid defect 7-3/4 inches to the right of the midline and 26-1/2 inches below the vertex of the head on the lateral right abdomen.

A 1 x 0.7 centimeter irregular ovoid defect 28 inches below the vertex of the head and 8 inches to the right of the midline on the lateral right abdomen.

None of the entrance wounds have soot, stippling or muzzle imprint associated with them. All the projectiles from these entrance wounds travel in a right to left direction. The wound paths of these entrance wounds cross; therefore, the individual wound paths cannot be disertained.

The wound paths are associated with lacerations of the: right atrium and right ventricle of the heart, esophagus, stomach, small intestine, pericardial sac and heart, right and left lungs, liver, spleen, and right kidney. The aorta is lacerated at 9.5 centimeters proximal to the bifurcation of the iliac arteries and at 7.8 centimeters distal to the origin of the left subclavian artery. There are approximately 800 milliliters of the left chest cavity and approximately 200 milliliters of blood in the abdominal cavity.

OTHER GUNSHOT WOUNDS/DEFECTS:

Two defects are on the chest. The wounds do not enter the chest cavity.

A 4 x 3.3 centimeter irregular defect is on the right mid chest, 17 inches below the vertex of the head and 1-3/4 inches to the right of the midline. No soot, stippling or muzzle imprint is associated with this defect. Deep to this defect is a defect in the right 6th intercostal space. The right 7th rib is fractured laterally.

A 1.5 x 1 centimeter irregular defect is on the left upper chest medial to the left nipple, 2 inches to the left of the midline and 17 inches below the vertex of the head. Deep to this wound there is a defect in the left fourth intercostal space and fracture of the left fifth rib anteriorly.

An entrance-type gunshot wound is on the right elbow. It is a 1.1 x 0.4 centimeter defect. No soot, stippling or muzzle imprint is associated with the wound. Multiple copper-colored jacket and gray metal core fragments are recovered from the proximal right ventral forearm. The wound path is associated with fractures of the proximal right radius and ulna bones.

PROJECTILES RECOVERED:

A projectile is recovered from the left chest wall in the left 5th intercostal space anteriorly, 20 inches below the vertex of the head and 2 inches to the left of the midline. It is a deformed copper-colored jacketed gray metal core. The overlying skin has a slight bulge and green discoloration. The left 6th rib is fractured.

A projectile is recovered from the left lateral chest wall, 20-1/2 inches below the vertex of the head and 6-1/2 inches to the left of the midline. It is a deformed copper-colored jacketed gray metal core that is palpable through the skin and creates a slight bulge.

A projectile is recovered from the left mid anterior abdominal wall 25-1/4 inches below the vertex of the head and 3/4 inch to the left of the midline. It is a deformed copper-colored jacketed gray metal core.

A projectile is recovered from the left anterior seventh rib. It is a deformed copper-colored jacketed gray metal core.

A projectile is recovered from the mesenteric fat within the left abdominal cavity. It is a deformed copper-colored jacketed gray metal core.

A projectile is recovered from the left abdominal cavity near the hilum of the spleen. It is a deformed copper-colored jacketed gray metal core.

A projectile is recovered from the upper lobe of the left lung. It is a deformed copper-colored jacket.

A projectile is recovered from the left axilla, 5-1/2 inches below the top of the left shoulder. It is a deformed copper-colored jacketed gray metal core.

OTHER INJURY:

Abrasions, up to 1/4 inch, are on the left forehead and lateral to the left eye. A 1 x 1 inch irregular abrasion is on the right upper back. An EMDT device prong is embedded in the left mid back, 1-1/2 inches to the left of the midline and 19-3/4 inches below the vertex of the head. A 2 millimeter defect is left by the prong. The prong is removed and collected by the forensic technician. A 2-1/2 x 2 inch area of perimortem abrasions, up to 1/2 inch, is on the right abdomen. A 1/4 inch abrasion is on the posterior mid right upper arm. A 1/2 inch irregular linear abrasion is above the right elbow. A 3.2 x 2 centimeter irregular defect is on the proximal lateral right forearm. Red ecchymoses, ranging from 3/4 to 1-1/2 inches, are on the dorsal right hand. A 3/4 inch laceration is on the dorsal proximal left index finger. A 1-1/2 x 1 inch red ecchymosis is on the mid lateral left forearm. A 1 x 1 inch area of irregular abrasions is on the left elbow. A 1.3 x 0.5 centimeter irregular defect, 9-1/2 inches below the top of the left shoulder, is on the anterior distal left upper arm. A 1 x 0.8 centimeter irregular defect, 14 inches below the top of the right shoulder, is on the proximal lateral ventral right forearm. Deep to this defect in the soft tissue is a copper-colored jacket fragment.

INTERNAL EXAMINATION:

Injury of the anterior chest wall is as previously described. Left hemothorax and hemoperitoneum are as previously described. The sternum, clavicles, vertebral column, and pelvis are intact. All organs have evidence of putrefactive decomposition.

The anterior neck strap muscles and soft tissues have no injury. The hyoid bone and thyroid cartilage are intact. The thyroid gland is of average size and shape and has a tan, lobulated parenchyma. The larynx and trachea are lined by intact and congested mucosa. The tongue has no injury.

The reflected scalp has no injury. The calvarium and skull base are intact. The dura mater and falx cerebri are intact. The epidural and subdural spaces are free of extravasated blood. The leptomeninges are thin, congested, and transparent. The subarachnoid space is free of extravasated blood and exudate. The brain is 1530 grams. The cerebral and cerebellar hemispheres are symmetric. The cerebral gyri and sulci are normal. The cingulate gyri, uncus, and cerebellar tonsils are not herniated. The cerebral cortex has no contusion. The mammillary

bodies and the cranial nerve roots are well formed and symmetric. The blood vessels on the base of the brain, including the circle of Willis, are well formed and patent.

The gray-white matter demarcations are distinct. The gray matter is tan and uniform. The subjacent white matter has no cystic, hemorrhagic, or mass lesions. The central nuclei are well formed and symmetric. The hippocampi are normally formed. The ventricles are normal in size. The cerebrospinal fluid is clear and colorless. The corpus callosum is well formed and intact. The cerebellum, midbrain, pons, and medulla oblongata have no gross parenchymal abnormalities. The substantia nigra is gray-tan.

The heart is 300 grams. Injury of the heart and pericardial sac are as previously described. The epicardial surfaces are smooth and have increased fat. The coronary arteries arise normally from the aortic root, and their ostia are patent. The coronary arteries are distributed normally and have minimal atherosclerosis. The right coronary artery supplies the posterior descending artery. The left free ventricular wall, the interventricular septum, and the right ventricular wall are 0.6, 0.6 and 0.2 centimeters, respectively. The heart chambers are unremarkable. The endocardial surfaces are smooth. The tricuspid, mitral, pulmonic, and aortic valve circumferences are 10, 5.2, 7.9 and 5 centimeters, respectively. The valves are normally formed and have no fusion, vegetations, or fenestrations. The chordae tendineae are intact and not thickened. Injury of the aorta is as previously described. The endothelial surfaces are yellow and have slight atherosclerosis. The pulmonary vasculature is well formed and patent.

The right and left lungs are 340 and 250 grams, respectively. Injury of the lungs is as previously described. The pleural surfaces are pink-red anteriorly, red-purple posteriorly, and have slight anthracotic mottling. The parenchyma is red to dark red-purple, slightly congested, and has no focal lesions. The pulmonary vessels and bronchi are normally formed and patent. The hilar lymph nodes are normal.

The liver is 1100 grams. Injury of the liver is as previously described. Its capsule is smooth. The parenchyma is brown, has a normal consistency, and has no focal lesions. The vessels of the porta hepatis are normal. The gallbladder contains tan-green viscous bile and no calculi. The biliary tree is patent.

The esophagus is lined by a tan mucosa. Injury of the esophagus is as previously described. The stomach contains approximately 50 milliliters of tan fluid. The gastric mucosa is tan and has decreased rugal folds. Injury of the stomach is as previously described. Injury of the small bowel is as previously described. The rectum is normal and contains soft, tan stool. The vermiform appendix is normal.

The spleen is 150 grams. Injury of the spleen is as previously described. It has a finely wrinkled, purple-gray capsule. The parenchyma is dark red-purple and congested.

The pancreas is normal in size and has a tan, lobulated parenchyma. The adrenal glands are normal in size and have bright yellow cortices and soft, brown medullae.

The right and left kidneys are 130 and 150 grams, respectively. Injury of the right kidney is as previously described. The cortical surfaces are smooth. The cortices are up to 6 millimeters. The renal vessels are patent. The parenchyma is tan-brown and has well-defined corticomedullary junctions. The calyces and ureters are not dilated and drain normally. The urinary bladder contains approximately 5 milliliters of urine and has an intact mucosa.

The testes have no ecchymoses or masses. The prostate gland is pale tan and not enlarged. The seminal vesicles are normal.

SPECIMENS FOR PATHOLOGY:


Representative sections of all major organs are retained.

SPECIMENS FOR TOXICOLOGY:


Mixed blood, vitreous, gastric, liver, brain, bile, and urine.

PHOTOGRAPHY:

External and internal photographs are obtained by Forensic Technician Travis Conrad.



Jennifer H. Park, D.O.
Forensic Pathologist



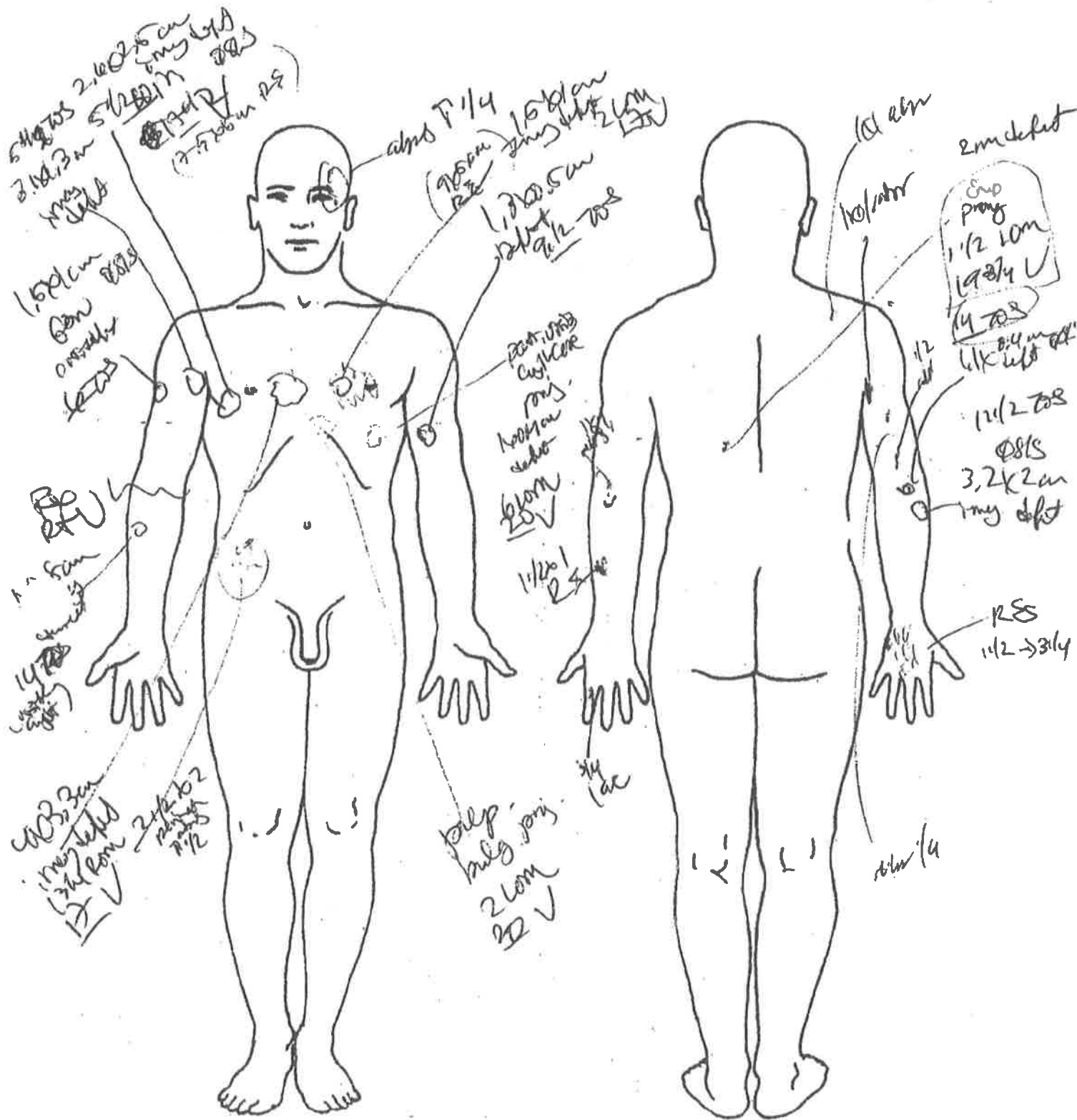
Date

JHP/cg

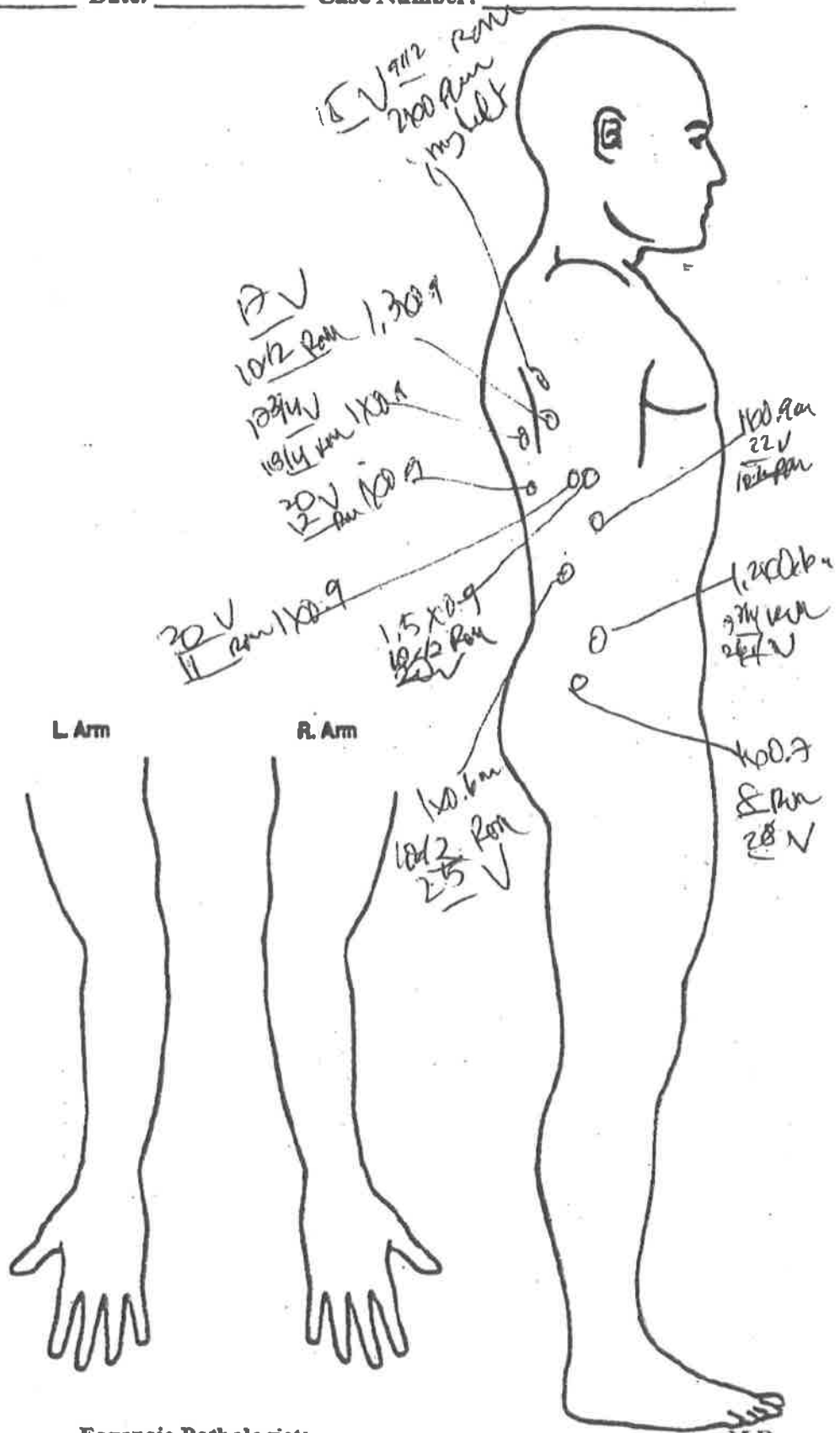
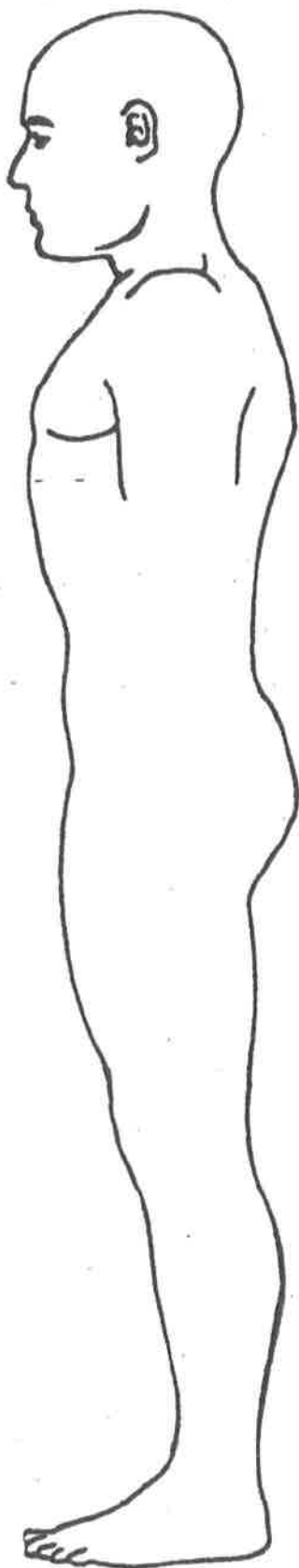
JHP August 1, 2013

CORONER FILE # 13-5887

DATE:



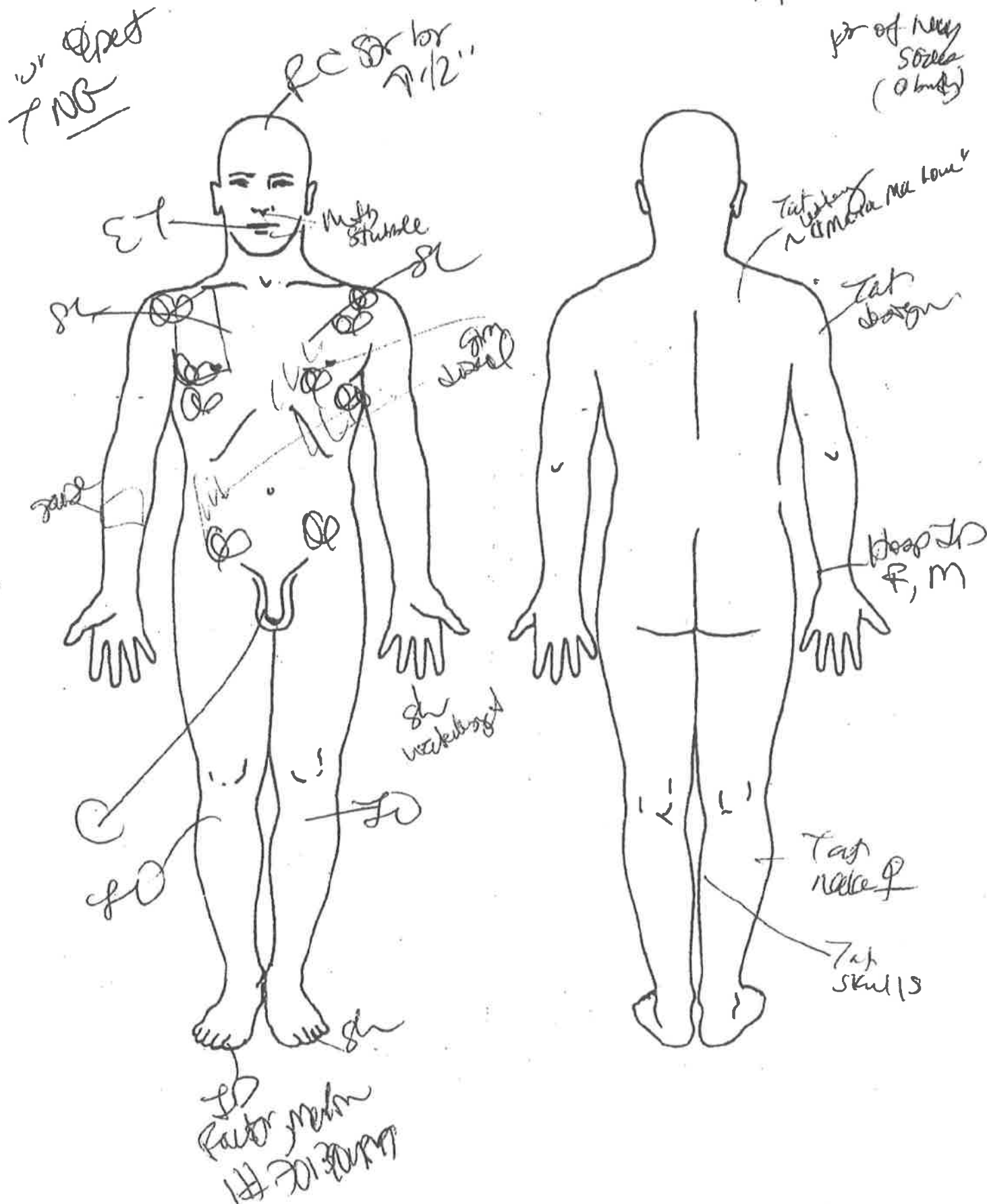
Name: _____ Date: _____ Case Number: 2013-5987

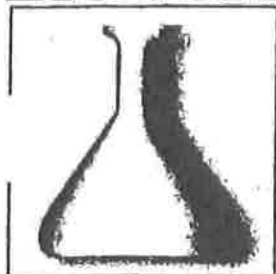


Forensic Pathologist: _____, M.D.

CORONER FILE # 2013-05987

DATE: 7/2/13



BIO-TOX

Bio-Tox LABORATORIES

701304849



Technical Director
Dale R. Somers, C.L.S.

Laboratory Director
Harold E. Schueler, Ph.D.

Toxicologist
Ola Bawardi, M.S.

Toxicologist
Erin Crabtree, M.S.

RIVERSIDE CORONER
800 S. REDLANDS
PERRIS, CA 92570

2013-05987
FACTOR, MERLIN

PATIENT NAME		SEX	DATE OF DEATH
FACTOR, MERLIN		M	06/29/13
BTL NUMBER	REQUESTING AGENCY	REQUESTED BY	AGENCY NUMBER
3-66124-8	7400	MARKS	2013-05987
SPECIMEN	DATE COLLECTED	TIME TAKEN	DATE RECEIVED
BLOOD	07/02/13		07/10/13
DATE REPORTED			
07/19/13			

COMPREHENSIVE DRUG PANEL;
METHODOLOGIES TO INCLUDE IMMUNOASSAY, GAS AND/OR LIQUID CHROMATOGRAPHY/MASS
SPECTROMETRY. SAMPLE SCREENED FOR MINIMUM 150 COMMON ACIDIC, BASIC OR
NEUTRAL DRUGS.

TEST**RESULTS**

ALCOHOL, ETHYL BLOOD

0.01% (W/V)

AMPHETAMINES

DETECTED

METHAMPHETAMINE, LC/MS/MS

0.597 mg/L

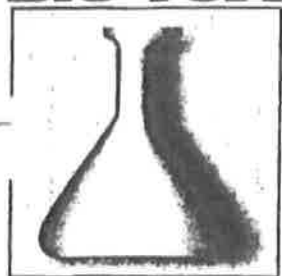
AMPHETAMINE, LC/MS/MS

0.104 mg/L

ANALYSIS BY: ERIN CRABTREE

AND KRISTEN STEWARD

2013-07-19 14:16

BIO-TOX

Bio-Tox LABORATORIES



Technical Director
Dale R. Somers, C.L.S.

Laboratory Director
Harold E. Schueler, Ph.D.

Toxicologist
Ola Bewardi, M.S.

Toxicologist
Erin Crabtree, M.S.

RIVERSIDE CORONER
800 S. REDLANDS
PERRIS, CA 92570

2013-05987
FACTOR, MERLIN

PATIENT NAME		SEX	DATE OF DEATH	
FACTOR, MERLIN		M	06/29/13	
BTL NUMBER	REQUESTING AGENCY	REQUESTED BY	AGENCY NUMBER	
3-66124-9	7400	MARKS	2013-05987	
SPECIMEN	DATE COLLECTED	TIME TAKEN	DATE RECEIVED	DATE REPORTED
BLOOD	07/02/13		07/10/13	07/19/13

TEST**RESULTS**

OPIATES

DETECTED

MORPHINE, LC/MS/MS

0.021 mg/L

MORPHINE TOTAL, LC/MS/MS

0.019 mg/L

CANNABINOIDS

DETECTED

DELTA-9-THC, LC/MS/MS

0.0038 mg/L

11-HYDROXY-DELTA-9-THC,
LC/MS/MS

NONE DETECTED

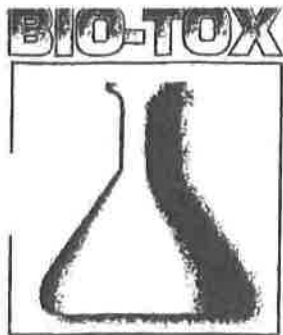
11-CARBOXY-DELTA-9-THC,
LC/MS/MS

0.052 mg/L

ANALYSIS BY: KRISTEN STEWARD

AND ERIN CRABTREY

2013 JUL 31 PM 1:14



Bio-Tox LABORATORIES



Technical Director
Dale R. Somers, C.L.S.

Laboratory Director
Harold E. Schueler, Ph.D.

Toxicologist
Ola Bawardi, M.S.

Toxicologist
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2013-05987
FACTOR, MERLIN

PATIENT NAME	SEX	DATE OF DEATH
FACTOR, MERLIN	M	06/29/13

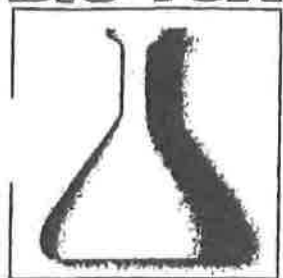
BTL NUMBER	REQUESTING AGENCY	REQUESTED BY	AGENCY NUMBER
3-66125-1	7400	MARKS	2013-05987

SPECIMEN	DATE COLLECTED	TIME TAKEN	DATE RECEIVED	DATE REPORTED
URINE	07/02/13		07/10/13	07/25/13

COMPREHENSIVE DRUG PANEL:

METHODOLOGIES TO INCLUDE IMMUNOASSAY, GAS AND/OR LIQUID CHROMATOGRAPHY/MASS SPECTROMETRY. SAMPLE SCREENED FOR MINIMUM 150 COMMON ACIDIC, BASIC OR NEUTRAL DRUGS.

TEST	RESULTS
ALCOHOL, ETHYL URINE	0.00% (W/V)
AMPHETAMINES	DETECTED
METHAMPHETAMINE, LC/MS/MS	greater than 50.000 mg/L
AMPHETAMINE, LC/MS/MS	9.400 mg/L
PHENYLPROPANOLAMINE, LC/MS/MS	0.281 mg/L
PSEUDOEPHEDRINE/EPHEDRINE	DETECTED
ANALYSIS BY: ERIN CRABTREE	
AND KRISTEN STEWARD	

BIO-TOX

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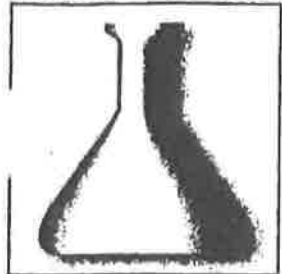
2013-05987
FACTOR, MERLIN

PATIENT NAME		SEX	DATE OF DEATH
FACTOR, MERLIN		M	06/29/13
BTL NUMBER	REQUESTING AGENCY	REQUESTED BY	AGENCY NUMBER
3-66125-2	7400	MARKS	2013-05987
SPECIMEN	DATE COLLECTED	TIME TAKEN	DATE RECEIVED
URINE	07/02/13		07/10/13
			07/25/13

TEST	RESULTS
OPIATES	DETECTED
MORPHINE TOTAL, LC/MS/MS	0.780 mg/L
CODEINE, LC/MS/MS	0.066 mg/L
MONOACETYLMORPHINE, LC/MS/MS	0.091 mg/L
CANNABINOIDS	DETECTED
11-CARBOXY-DELTA-9-THC, LC/MS/MS	0.041 mg/L

ANALYSIS BY: KRISTEN STEWARD
AND ERIN CRABTREE

41-1-03-13-05987

BIO-TOX

Bio-Tox LABORATORIES



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800 S. REDLANDS
PERRIS, CA 92570

2013-05987
FACTOR, MERLIN

PATIENT NAME		SEX	DATE OF DEATH
FACTOR, MERLIN		M	06/29/13
BTL NUMBER	REQUESTING AGENCY	REQUESTED BY	AGENCY NUMBER
3-66126-3	7400	MARKS	2013-05987
SPECIMEN	DATE COLLECTED	TIME TAKEN	DATE RECEIVED
VITREOUS	07/02/13		07/10/13
			07/16/13

EXPANDED IMMUNOASSAY DRUG SCREEN

VITREOUS SCREENED FOR:

AMPHETAMINES (METHAMPHETAMINE, AMPHETAMINE), BENZODIAZEPINES, CANNABINOIDS, COCAINE AND/OR METABOLITE, OPIATES (MORPHINE, CODEINE), PHENCYCLIDINE (PCP), BARBITURATES AND ALCOHOL.

TEST	RESULTS
ALCOHOL, ETHYL VITREOUS	0.00% (W/V)
AMPHETAMINES	DETECTED
METHAMPHETAMINE, LC/MS/MS	0.700 mg/L
AMPHETAMINE, LC/MS/MS	0.080 mg/L
ANALYSIS BY: ERIN CRABTREE	
AND KRISTEN STEWARD	



Riverside County Sheriff-Coroner

STANLEY SNIFF, Sheriff-Coroner

Name of Decedent: FACTOR, MERLIN Coroner File # 2013-05987
M/F Skin Color: W WD/WN: ✓ Height: 5 Ft. 10 In. Weight 192 lb. Age: 40
Hair: TXTR _____ CLR _____ In M _____ IN B _____ IN Eyes: Irises _____ Conj _____ Teeth/Oral _____
Torso: Ant _____ Post _____ Genital: +/- _____ Extremities: Upper _____ Lower _____
Rigor Mortis: _____ Livor Mortis: F/NF _____ Temperature: _____

Scars:

Tattoos:

Clothing:

Therapeutic Procedures:

Injuries:

Head 1530 gm
Brain _____ gm
Neck _____ gm

_____ gm

Heart 300 gm

L.V. _____ cm

R-Lung 340 gm

L-Lung 250 gm

Liver 1150 gm

Bile = 5 ml

Pancreas 160 gm
Spleen _____ gm

Lymph nodes

Thymus: Y/N

R-Kidney 130 gm

L-Kidney 150 gm

Urine = 45 ml

Gonads

Endocrine

Digestive Tract

Gastric = 50 ml

App/Y/N

Mel

Examined By: Dr. Park

Date: 7/2/13

Time: 9:35

() AM () PM

DIAGNOSES:

red
xcel # 4795436
@ 935
DAS

DB/6/12
10
52
79
5

End;

- 9 prg.

- 1 End prg.

5

File Number: 2013-05987 * * * * *

Deputy: MARKS

Determined by: X Autopsy External Examination Dictated

Cause of Death:

(A) Multiple Gunshot Wounds Int. Seconds

(B) _____ Int. _____

(C) _____ Int. _____

(D) _____ Int. _____

Other Significant Conditions None

Pathologist: DR. Park Date : 7/2/13

Medicolegal Case Inventory and Follow Up		For Certification	For File Completion
Toxicology: <input type="checkbox"/> Rush <input checked="" type="checkbox"/> Blood From <u>WV</u> <input type="checkbox"/> Bile <input checked="" type="checkbox"/> Urine <input checked="" type="checkbox"/> Gastric <input type="checkbox"/> Brain <input checked="" type="checkbox"/> Liver <input type="checkbox"/> Vitreous <input type="checkbox"/> Vitreous Electrolytes <input type="checkbox"/> Subdural Blood <input type="checkbox"/> Other			
Histology: <input checked="" type="checkbox"/> cassettes in _____ containers; # stock jars _____			
Neuropathology: <input type="checkbox"/> Brain <input type="checkbox"/> Spinal cord <input type="checkbox"/> Eyes <input type="checkbox"/> Other			
Reports: <input type="checkbox"/> Law Enforcement <input type="checkbox"/> Deputy Coroner <input type="checkbox"/> Fire <input type="checkbox"/> Other			
Microbiology: <input type="checkbox"/> Blood <input type="checkbox"/> CSF <input type="checkbox"/> Tissue <input type="checkbox"/> Bacterial-Viral-TB-Other			
Consultants: <input type="checkbox"/> NEOGEN <input type="checkbox"/> Anthropology <input type="checkbox"/> Radiology <input type="checkbox"/> Other			
Records: <input type="checkbox"/> Hospital <input type="checkbox"/> ER <input type="checkbox"/> Medical <input type="checkbox"/> Paramedic <input type="checkbox"/> Other			
Scene Investigation (e.g., suspected SIDS)			
Misc.: <input checked="" type="checkbox"/> X-Ray <input checked="" type="checkbox"/> Photo <input type="checkbox"/> Blood: Red-Yellow-Gray for _____ <input type="checkbox"/> Other		Initials of Dr. for samples 	Initials of Tech verifying
Forensic Biology: <input type="checkbox"/> Rape Kit <input type="checkbox"/> Swabs: Oral-Anal-Vaginal <input type="checkbox"/> Nails <input type="checkbox"/> Hair: Scalp-Pubic <input checked="" type="checkbox"/> Blood (Purple) <input type="checkbox"/> Other			
Evidence: <input type="checkbox"/> Clothing <input checked="" type="checkbox"/> Ballistics <input type="checkbox"/> Trace <input type="checkbox"/> Other			

PTM Completed

Computer Updated

DC Worksheet Completed